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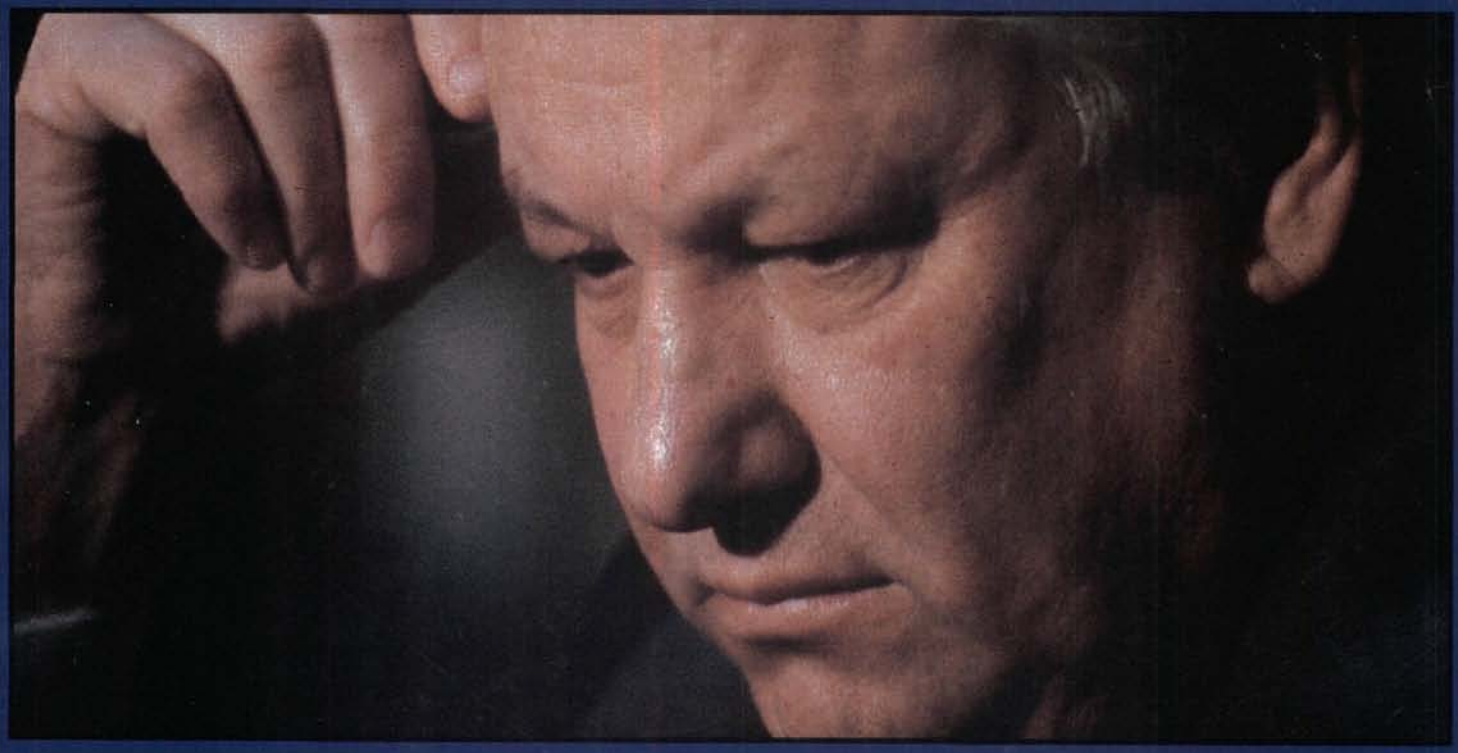

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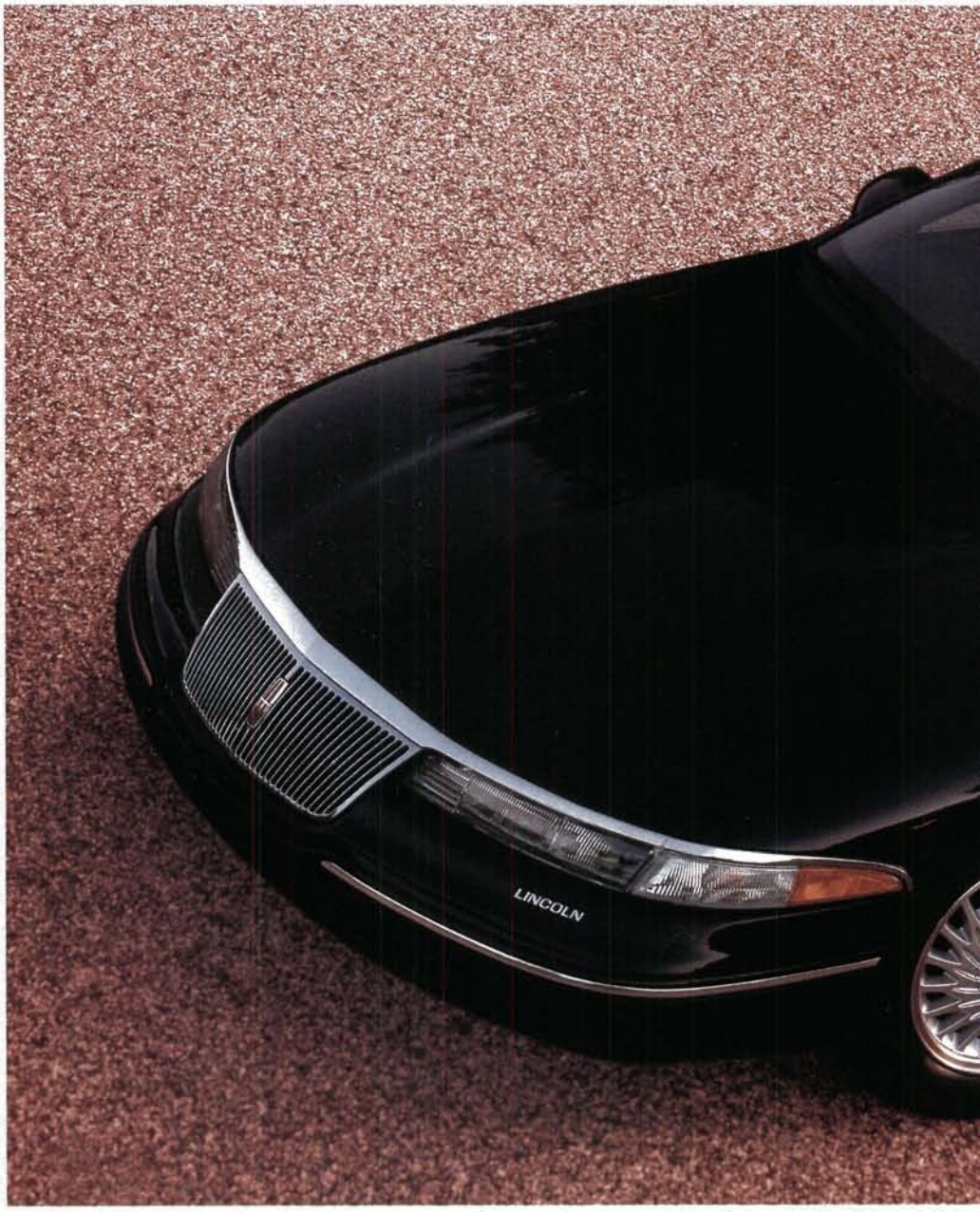

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FROM WASHINGTON

Unusual suspects

Now that the president has conspicuously failed to end the military gay ban, will judges step in and do it for him? That's a tempting prospect for opponents of the ban (I'm one). It's also a useful threat. "My argument to the military," said Defense Secretary Les Aspin during the recent negotiations, "is that sooner or later, the courts are going to come at you on this issue." Aspin's warning gained credence when a federal judge in Los Angeles reinstated Keith Meinhold, a homosexual discharged from the Navy last year.

But it's one thing to hope that the Joint Chiefs are intimidated by this legal threat; it's another to hope the threat actually materializes. Using the courts to open up the military to gays might seem logical—as logical as using the courts to open up the schools to blacks. But it's not. As a matter of law, there is room to debate whether the gay ban is unconstitutional. As a political matter, taking the constitutional route would be a disaster for both Clinton and those who support his position.

First, the law. The argument (in Meinhold's case and others') is that excluding homosexuals from the military violates the Constitution's promise of "equal protection of the laws." The problem, as usual, is figuring out what that intentionally vague phrase means. When I went to law school, in the early 1970s, we thought we knew. All laws, we were taught, create classifications. A law against murder, for example, divides the world into murderers and nonmurderers. To survive the Equal Protection Clause, most laws merely had to show that their classifications had a "rational relationship" to a legitimate government purpose. But if a law contained a "suspect classification," it had to face what the Court called "strict scrutiny." Among other things, it then had to be justified by a "compelling state interest." The paradigmatic "suspect classification," of course, was a racial one. In practice, few laws survived "strict scrutiny."

This "two-tier" test was one of the majestic doctrinal edifices of the Warren era. It wouldn't last. Liberal lawyers urged the Court to keep discovering new "suspect" categories. Didn't statutes that discriminated by gender, for example, deserve "strict scrutiny"? (Heh, heh.) The Burger Court balked. Instead, gender classifications were declared "quasi-suspect." They were to get "heightened review," meaning they had to be "substantially" related to an "important" government interest. The wonderfully strict "two-tier" test became a sloppy three-tier test, with the consequences of falling in the middle somewhat unclear.

Where should classifications drawn on the basis of "sexual orientation" fall? What makes a classification "suspect" (or "quasi-suspect") anyway? Most of the factors typically cited by the courts would seem to apply to homosexuals. Gays have suffered a "history of purposeful discrimination," for example. And they constitute a "discrete" (if not necessarily discreet) minority that might lack the political clout to protect itself through democratic processes. But some of these considerations are themselves suspect. Does it matter more whether discrimination is "historical," or whether it's justified? And it's hard to argue, post-Clinton, that gays can't make their voices heard through ordinary politics.

Many constitutional experts tend to pooh-pooh the factor that seems most important: that homosexuality is for all practical purposes an immutable trait, like race. The Supreme Court itself has cast doubt on the importance of immutability, citing Stanford theorist John Hart Ely's observation that "physical disability and intelligence" are also immutable traits, but are "typically accepted as legitimate" grounds for discrimination. Blind people can't become airline pilots, for instance.

But surely the reason we accept this is because sight is relevant to flying planes. The immutability of the trait makes us suspicious; it's just that those suspicions are overcome. A rule preventing blind people from attending high school would not be so readily accepted. Not only is blindness less relevant to going to school, but being excluded from the school system is immensely hurtful—it means being deprived of one of the fundamental experiences of citizenship. Likewise, serving in the military is one of the fundamental experiences of citizenship. To deny it on the basis of an immutable trait would seem to require some argument that the trait is very relevant to the military's performance.

Unfortunately for gay-equal-protectionists, the military has such a justification (though military spokesmen often fail to articulate it). The justification is that, for a variety of reasons, soldiers fight better when they aren't physically attracted to each other. It's one thing to see your buddy wounded; it's another to keep fighting when your lover is hit. It won't do to argue that this bridge was crossed when women were allowed to serve. There's no reason why the Pentagon can't try to limit the damage by assimilating one group at a time. Anyway, women aren't allowed in combat. (Would gays accept such an exclusion?)

The military's argument may be wrong. I think it is. But it's an argument—a better argument than those thrown in the path of race desegregation in the '40s and '50s. The immutable trait that makes gays different is not irrelevant the way race was. There's a "substantial" enough concern, anyway, to preclude easy second-guessing by the courts.

In reality, of course, there is virtually no chance the current Supreme Court will throw out the ban. A long line of cases affirms the Court's tendency to keep out of military matters. And, as Judge Richard Posner notes in his book *Sex and Reason,* the justices who recently upheld state sodomy laws aren't about to make the Army accept men who want to violate them, no matter what the "doctrinal niceties."

This is good news for Clinton. Landmark constitutional decisions, however logical, have huge political drawbacks. Lawsuits, University of Colorado professor Robert Nagel has pointed out, are almost inherently polarizing. One side's lawyers cast the other side in the most negative light possible ("irrational," "prejudiced"). The decision is made by a judge accountable to neither side. Then one side "wins" and the other "loses." It's an arrangement calculated to inhibit dialogue—and infuriate the losers.

Do we want to do for the anti-gay movement what *Roe* v. *Wade* did for the anti-abortion movement, namely to energize it? Gay rights supporters, above all, should not want the public dialogue pre-empted by judges. Homosexuality is just the sort of social issue where calm and understanding are likely to prevail only after everyone's emotions and fears are fully ventilated. What Clinton and his allies desperately need, given their recent setback, is a debate in which the gay ban's supporters make their arguments, are made to hear the counter-arguments and gradually realize that an accommodation must be reached with those legitimately outraged by the inability of some Americans to serve their country. Lawyers aren't the only people who can talk about such things. Nor are they the best people.

MICKEY KAUS

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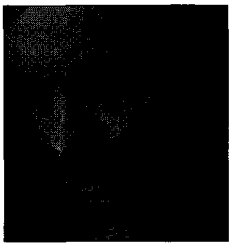

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CORRESPONDENCE

A friend writes

To the editors:

Of course, it's the story of sour grapes. Would Joseph Nocera have preferred a less gentle, genteel way of being told he was not being hired by *The New Yorker* ("Unslick Willy," January 25)? Maybe William Shawn shouldn't have invited him to sit down, since the low couch obviously was calculated to be demeaning. Maybe Nocera would have liked a shrill rejection—I mean, kindness and soft-spokenness always show paternalism, don't they?

But Nocera should take heart, since for him nuance and obliquity count for little, and advertising in his mind defines quality. Now that Tina Brown is in charge, there will be advertising aplenty and vulgarisms to undo any fastidiousness about the use of language. There will be brevity and superficiality enough to momentarily engage the short attention span. There will be sensation and scandal to supplant interest in the multiplicity of little things that make up human lives and events. Tom Wolfe, in his sulky petulance, worried about "Tiny mummies in the land of the walking dead." He too poked fun at Shawn's courtesies and eccentricities. That Shawn, according to Wolfe, "always seems to have on about twenty layers of clothes, about three button-up sweaters, four vests, a couple of shirts,... a dark shapeless suit over the entire ensemble and white cotton socks" was an obvious indictment of his editorial skills and sensitivities. That Shawn didn't go for fishing (à la macho Hemingway) or eat red meat are other indictments that Nocera finds germane.

That everyone who worked for Shawn loved and admired him, and that he cared about literary and artistic quality for the magazine, visualizing readers who also cared about these rarities in American journalism, surely condemn him. Now that he's dead and gone, it's surely time for Nocera to publish his puny grievances. The grapes were surely sour anyway.

HELEN BEACH CANNON
Logan, Utah

To the editors:

What interests me is the complete change of emphasis in *The New Yorker*'s arts criticism during William Shawn's editorship. For years under Shawn the reviews continued many "light-essay" qualities made famous by writers like Dorothy Parker and Robert Benchley. Reviewers didn't need to credit major details, creators and performers. John McCarten might write off a new film in a single sentence or brief, funny paragraph. Wolcott Gibbs might offer a parody for commentary. The overall tone was that of sophisticates making offhand, witty observations—not experts dutifully analyzing and reporting.

Much later, still under Shawn, a completely new approach surfaced. Writers like Pauline Kael and Arlene Croce took more space to analyze and introduce cultural, sociopolitical, historical comment into more "responsible" reviews, witty but not facetious or disrespectful. These were expert critics, not creative writers.

The more serious approach continues. It may be related to Joseph Nocera's notion of Shawn's "style of non-fiction writing" but has nothing to do with "[piling] pointless fact upon pointless fact." However, it did abandon the concept of *The New Yorker* as the voice of "wise-guy" urban sophisticates. Whether *that* change in tone affected the magazine's prosperity hasn't been discussed and seems unrelated to its current direction toward the "hot."

HERBERT M. SIMPSON
Geneseo, New York

To the editors:

Joseph Nocera, whom I have never met, has had at me before, and unflatteringly, in your columns. Now in his attack on William Shawn he reaches into his trash-bag of adjectives and comes up, for me, with "infamous." To be sure of its meaning I consulted my Oxford. My goodness! I was sent reeling by "notoriously evil," "wicked," "vile" and "public disgrace." Until Nocera came along again, I had hoped to keep my failings private.

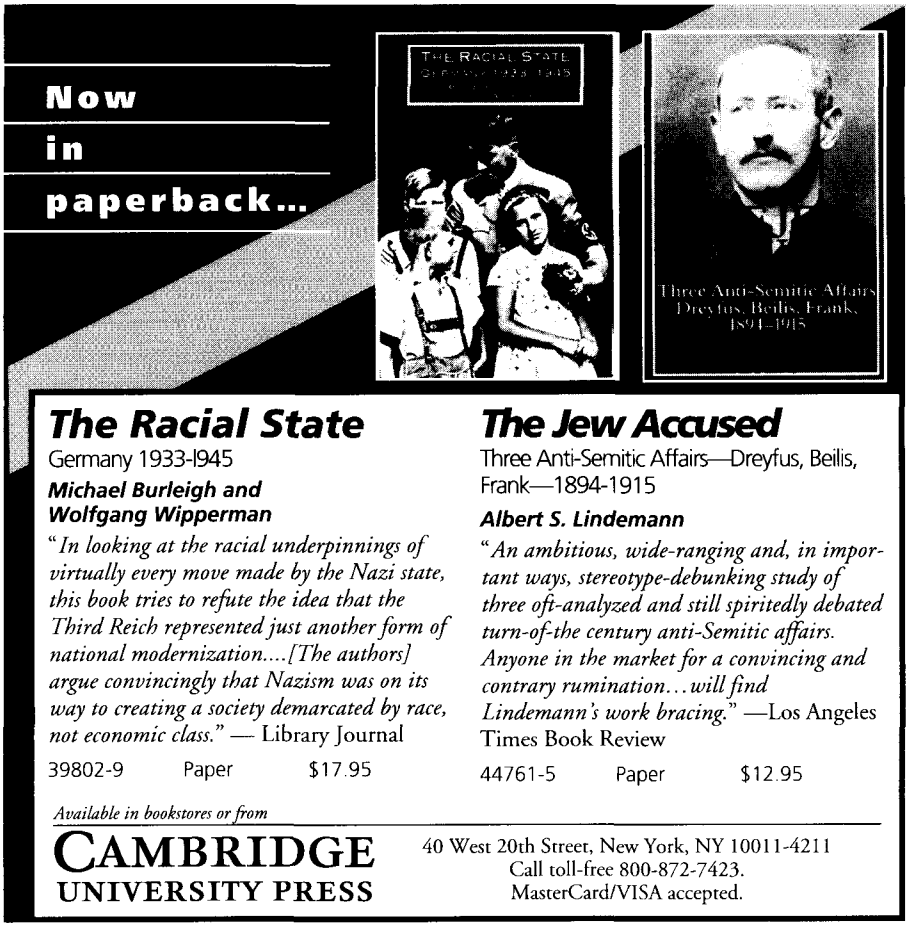
E. J. KAHN JR.
New York, New York

Press briefing

To the editors:

When you accuse someone of behavior bordering on bigotry, it's important to get your facts straight. Adam Nagourney didn't when he wrote that President Clinton's campaign scheduler and close friend, Susan Thomases, "fought against Clinton giving that pre-election AIDS speech" ("Homophiliac," January 4 & 11).

Nothing could be further from the truth. Susan worked for weeks to get that speech on the governor's schedule, she handpicked the mainstream audience in her home state of New Jer-



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sey and she did everything she could to see that the speech was well-attended and well-publicized.

GEORGE R. STEPHANOPOULOS
White House Communications Director
Washington, D.C.

Adam Nagourney replies:

Four campaign officials provided the information that Susan Thomases was one of those arguing against a pre-Election Day AIDS speech. They offered this account during the campaign and again as I prepared the piece for TNR. I would point out that the speech was finally put on the schedule—on the Thursday before the last weekend of the campaign—after details about the dispute were leaked to several reporters. Notwithstanding what might have been done to make certain the speech was "well-attended and well-publicized," it was ultimately scheduled so late in the day—7 p.m.—that it was almost completely ignored by the networks and major dailies. I did not intend to accuse Ms. Thomases of bigotry, nor do I believe her to be a bigot. I simply said that in the Clinton campaign, the commitment to gay causes was nowhere strong enough to withstand the assault of political expediency.

Überfrau

To the editors:

It's too bad Louis Menand is so dismissive of Camille Paglia's *Sex, Art and American Culture* ("Nietzsche in Furs," January 25), and by extension her book *Sexual Personae*. Between the lines and between her crochets and manic energy and mistakes, Paglia has some brilliant insights, and the ability to market them. The country today needs to pay attention to the reiteration of the facts about nature and the subconscious. The sado-masochism and sexuality that live in nature and in our nature are where energy comes from. Paglia points out that this is a fact and that literature, art and history grapple with this "messiness" all the time. Being "genteel" in matters that pertain to the mind is asking for trouble. Feminists who gentrify the ancient nature goddesses and earth mothers in search of "womenpower" have denied the indifference, the brutality, the death dealing these entities symbolize. Environmentalists may find Smokey the Bear charming, but they should know they are dealing with a nature that is heartless in human terms. Gays who may like Paglia's realization that they are in the vanguard of Western development, in their separation of sex from the dreary treadmill of children, gestation and birth, should also take note that Paglia classes them with Western "Apollonians," hard edged, amoral, individualistic and cruel. Western idealism can destroy as well as create.

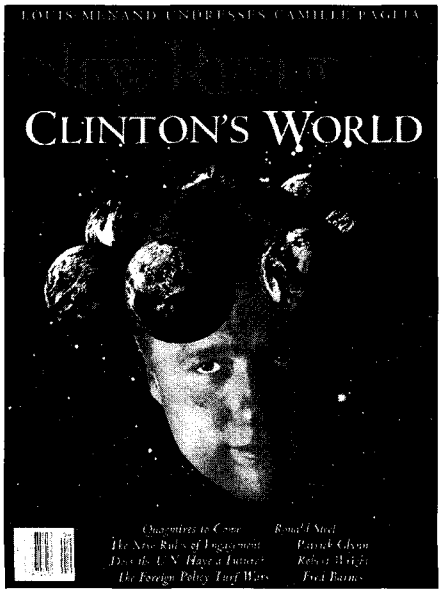
As for Paglia's saying that the supreme achievement of Western Civilization is a man wearing a dress, that simply is not true. She says a woman wearing trousers is searching for power; a man wearing a dress is looking for God. Something very different. Searchers for God do tend to wear robes of some sort. Whether *that* is a supreme achievement, Paglia has not said one way or another.

KENNETH HODGES
Washington, D.C.

Wipe-out

To the editors:

Your assessment of the Colorado boycott (Notebook, January 25) misses both the



point of the boycott and what is at stake. The overall effectiveness of a boycott like this is secondary to the publicity and media attention it attracts. Left to the courts and future elections, Colorado's anti-gay Amendment 2 would be all but be forgotten everywhere but Colorado. Meanwhile, there are eleven other states currently considering similar legislation, and a national boycott sends a clear message to those states that a great number of Americans will not tolerate such blatant declarations of bigotry.

Your concern for the "progressive towns and cities ... that stand to suffer the most" from a boycott seems misplaced. Where is your concern for the gay and lesbian citizens who stand to suffer from the amendment that prompted the boycott? And your statement that the "advocates of gay rights lost a fair fight" is not only misinformed, it is deplorable. Coloradans for Family Values preyed upon the fears of Coloradans by invoking everything from pedophilia to the consumption of fecal matter in order to portray gays as a threat to the community. And I question the appropriateness of even using the term "fair fight" where basic human rights are concerned. I wonder how this magazine and the nation might have reacted if it were African Americans, Jews or women who were the target of such an amendment. And who's to say they won't be the next time?

BENJAMIN BRUTON
New York, New York

Without a trace

To the editors:

In responding to Malcolm Gladwell's "Speed Dialer" (December 14), Lesley Kalmin and Todd Newman (Correspondence, January 18) seem to have confused Caller I.D. (more accurately, CNID—Calling Number I.D.—since the telephone system delivers numbers, not names) with the Force, and the average telephone user with Darth Vader.

In a test run by Michigan Bell in 1990, the provision of CNID to 5 percent of subscribers resulted in a drop of complaints for obscene calls from more than 300 a month to between sixty and seventy. Can't have that, now can we? Nope, make 'em pay for Call Trace instead.

There are arguments that CNID could be used, for one, to track down mothers calling their children from women's shelters, but this has not proved to be a problem anywhere that CNID is available, not even in New Jersey, where there is no countervailing Call Blocking.

But Californians will be spared all this. Their Public Utilities Commission put so many restrictions on Pac Bell's proposal that the company just gave up, meaning if you're in California, your number is safe. Except, of course, from businessmen and from residents of adjacent states. Businesses have been able to get something like CNID for years, only better: with an 800 number you can get Automatic Number Identification, and unlike CNID, it works long distance as well as locally and it cannot be blocked.

CHARLES HOEQUIST
Cary, North Carolina

The editors welcome correspondence from readers. Letters should include the writer's full name, address, and telephone number; be typed double-spaced; and be held to under 200 words. Letters may be edited for space. Please address letters to: Correspondence, TNR, 1220 19th Street, N.W., Washington, D.C. 20036.

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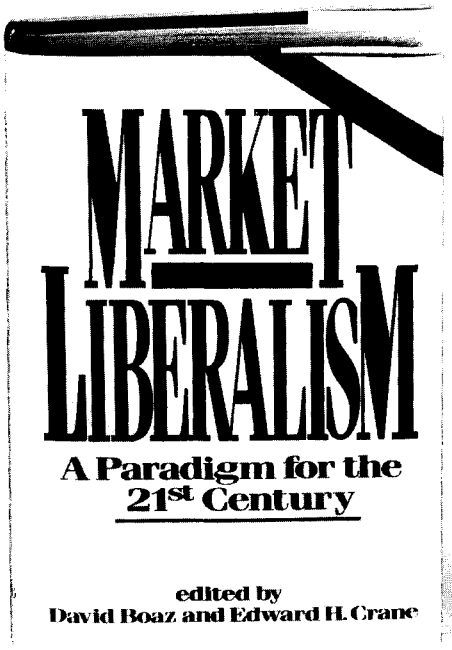

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THE NEW REPUBLIC

FEBRUARY 22, 1993

A GOOD START

To read the press coverage of Bill Clinton's first two weeks in the White House, you'd think his presidency had already crashed in flames. Among his failures, we hear, are an inability to control his own agenda, a Carter-style penchant for crossing swords with Congress and a lack of touch with his middle class constituency on issues like gays in the military and Zoe Baird's domestic arrangements. No wonder his approval rating is already cascading downward, as the media keep informing us.

Well, hang on a minute. It's a bit premature, to say the least, to write off the Clinton administration on the basis of its actions so far. We would be the first to admit—and were among the first to argue—that many of the president's appointments were profoundly disappointing, if not a betrayal of what he stood for during the campaign. We are concerned, as John B. Judis points out in this issue (see "The Old Democrat," page 18), that Clinton has drawn much of his Cabinet from an inbred clique of lawyer-lobbyists more representative of where the Democratic Party has stagnated for the past two decades than where it has to go. And sure, Clinton's first pass at lifting the military's gay ban was less than deft. But even there, he deserves much credit for sticking with an unpopular campaign pledge in the face of opposition for which he seems to have been totally unprepared. Clinton made a novice's strategic mistake, but in doing so he stood firm in defense of a basic principle. His heart is clearly in the right place, and we think he'll have the stamina to win the battle over the next few months.

If he had done nothing else but fumbled lifting the gay ban and miscalculate on Zoe Baird, it still wouldn't justify the indiscriminate pummeling he has been getting. But Clinton has done much more, and much good. In the wake of his initial missteps, he has moved quickly to put forward a series of pragmatic, liberal proposals that remind us why we liked him in the first place and should reassure skeptics that he is a fundamentally different leader from the old Democrats from whom he tried to distinguish himself during the campaign. Clinton's boldest actions to date have been in the area of health care. He has called for a program for universal immunization for children, one of those areas in which government surely can do a great deal of good that simply cannot be done in the private sector; shown himself willing to allow experimentation by state governments in reforming the Medicaid system; and made clear that he fully intends, with the help of his wife, to draft a health care reform proposal during his first 100 days in office.

Elsewhere in domestic policy, Clinton has taken meaningful steps to fulfill his most important campaign promises. He has acted to push the Family and Medical Leave Act through Congress and to lift the so-called abortion gag rule by executive order. Most importantly, he has declared again that he will "end welfare as we know it." Clinton may still hedge or renege on his specific pledge to require welfare recipients to work after two years on the dole, but it will be much harder to do so, after announcing the formation of a high-profile task force to follow through. He also stated a willingness to commit significant resources—at least $6 billion—to this effort. The Senate's leading welfare reform advocate, Daniel Patrick Moynihan, who despaired of Clinton's keeping his promise when the paleoliberal Donna Shalala was named head of the Department of Health and Human Services, has become hopeful again, and so have we.

We still do not know what Clinton's economic program will include, and conflicting signals emerge daily from the White House. Still, Clinton appears to be retreating, wisely, on his most irresponsible campaign promise: a middle-class tax cut, which the country can ill-afford, and which will do little to reinvigorate the economy over the long term. In its place, the president has hinted at the need for a middle-class tax increase, in the form of an energy tax. As we have long argued, this is economically and environmentally sound, as well as politically brave. Even more courageously, the president has broached the subject of curtailing Social Security benefits, either by increasing the portion subject to taxation for higher-income senior citizens or by cutting annual cost-of-living increases. The former is more fair, though the latter would raise more money; in either case, Clinton has demonstrated an initial willingness to attack runaway entitlement spending, without which the restoration of fiscal responsibility will prove impossible.

The real test, of course, will be whether Clinton meets his single most important pledge: to halve the deficit in four years. The battle between the deficit hawks and those who think stimulus and "investment" are more important continues as of this writing. Clinton may side with the spenders over the cutters. But he hasn't yet. So to those now intoning mournful obituaries for the liberal revival (including, we might add, in these pages), we say: not so fast. •

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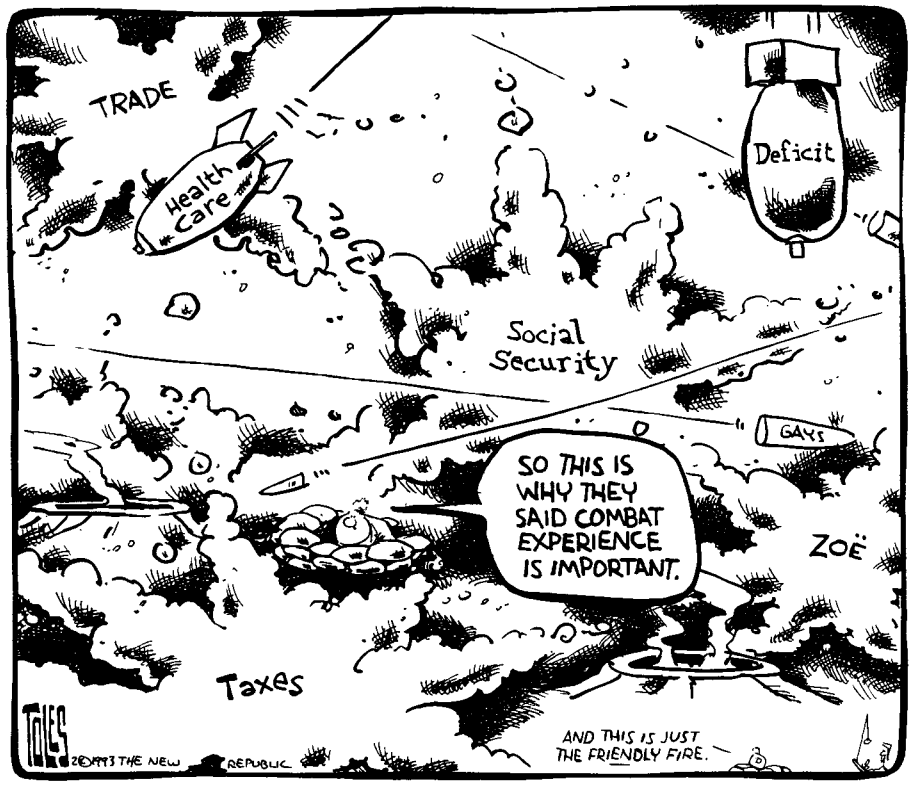
NOTEBOOK

CLINTONISM WATCH: "The president is not eager to move forward on any proposals that will have any kind of an undue impact on people. There's no question about that. But he also has said in the end his package will be fair. And he remains committed to that." —George Stephanopoulos, White House communications director, explaining the president's deficit-cutting strategy. Readers are invited to submit any other examples of the president, or members of his staff, squaring relentlessly round circles, or embracing mutually contradictory goals, while pretending to be coherent.



FIGHT THE REAL ENEMY: What do Sinead O'Connor and Chrissie Hynde (singers), Stanley Aronowitz and Gayatri Spivak (left-wing academics) and Gary Snyder and John Edgar Wideman (distinguished writers) have in common? The answer is a surprising fondness for the unrivaled brutality of Peru's Shining Path guerrillas and their imprisoned commander, Dr. Abimael Guzmán. They are all among the signatories of a petition, which appeared in the January 12 *Village Voice*, calling on readers to "Defend the Life of Abimael Guzmán!" The statement, distributed by the Berkeley-based "Committee to Support the Revolution in Peru," is not merely a plea for human rights. It declares that "no knowledgeable and truthful observer of Peru ... can deny that Dr. Abimael Guzmán is the recognized leader of millions of peasants, workers, students, intellectuals and others of various walks of life in Peru. In no way can the twelve-year-long war he has been leading be dismissed as 'acts of terrorism.'" Maybe the cultural elite is a menace after all.

OPEN AND SHUT CASE: George Stephanopoulos's decision to allow T.V. and radio coverage of his daily briefings was refreshing. His sudden reversal of that decision is deeply disappointing. Silly and trivial as they sometimes become, thanks to the tradition of repetitive and badgering questions from reporters, the briefings remain the public's best avenue of information from the White House. Increasing the audience for these sessions breeds accountability, just as C-SPAN coverage of Congress has done. What's more, there is no articulable reason for allowing print but not broadcast media to cover these sessions. Even in many courtrooms, where there is valid concern about the privacy of defendants, judges recognize that camera coverage serves a legitimate public interest. Stephanopoulos reportedly pulled the plug in pursuit of the administration's obsession with controlling its "message." The Clintonites want the evening news to show the president acting presidential, not his spokesman being tripped into a gaffe about the latest Washington hoo-ha. But Stephanopoulos should realize that this kind of spin control no longer fools the public, which is far more savvy than he gives it credit for. He should also realize that at the daily briefings the jackals of the press look far sillier than he does.

MARTHA STEWART OF THE WEST WING: In an effort to demonstrate that she is a traditional First Lady as well as an untraditional one, Hillary Rodham Clinton gave a long interview to Marian Burros, food writer for *The New York Times*, on condition that Burros ask no questions about substantive matters. In the story, the First Lady pronounced that under the new regime smoking would be banned throughout the White House, that the new menu would be American rather than French and that it would emphasize fresh fruits and vegetables, including broccoli. It all sounds very healthy. And given the flurry of negative attention on HRC's new power, great public relations. But one wonders: What will Bill eat? •

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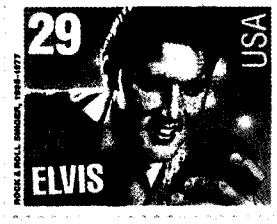
As the recent campaign showed us, the nature of democracy itself seems to be shifting some 200 years into its life cycle. Just what are the trends and where is democracy headed? A quick chart to map its direction.

JEFFERSONIAN DEMOCRACY	CONSUMER DEMOCRACY
"all men are created equal"	born to shop
ideology	money
majority rule	economy of scale
votes	ratings
John Locke	Sam Walton
polling booth	opinion polls
"eternal vigilance is the price of liberty"	"Only ten remaining, so call now"
debates	game shows
Alexis de Tocqueville	Larry King
dialogue	1-800 numbers
"That government is best which governs least"	GATT
Monticello	man of America
lobbying	marketing
rhetoric	Muzak
term of office	shelf life
special interest groups	focus groups
Liberty Bell	K-mart blue light special
gerrymandering	relocating the factory in Mexico
reason	bargains
democratic monarchies	transnational corporations
non-democratic republics	the Mafia
deciding whom to vote for on the last day	impulse purchasing
"Peace is our passion"	"a piece of the action"
	
campaigning	infomercials
bald eagle	First Pet

DOUGLAS COUPLAND

NEW YORK POSTCARD

HOT SEATS

By Patricia Cohen

Any New Yorker who can tell uptown from downtown knows where to find a restroom when the need strikes: department stores, hotel lobbies (look like you know where you're going) and busy restaurants with a big bar and no maître d'.

But the unplanned sweep by the lingerie section at Bloomingdale's may no longer be necessary, as City Hall stumbles toward installing high-tech public toilets that wondrously clean themselves. The proposed design by the undisputed Commode King, the Paris-based JCDecaux, hardly even looks like, well, a bathroom. The tubular toilet is topped with a decorative wrought-iron turret that resembles a pinch of upside-down flowers. Drop a quarter into the slot and the door automatically slides open, revealing a small bowl, sink, hand dryer and mirror. Amid the frenetic clamor of the city, fifteen minutes of luxurious solitude is all yours. After that, the door slides open—a security feature that cuts down on the wait but that could prove a bit embarrassing for the hapless dawdler still seated with his copy of the *Journal.*

Then the door slides shut, a swoosh of water sweeps over the floor and the entire toilet bowl flips up against the wall for a sterilizing wash. (Decaux says reassuringly that a recurrence of that unfortunate incident in the south of France years ago when a 5-year-old was accidentally retracted into the wall along with the bowl is now impossible; the new models have a weight sensor.)

The automatic bathroom is something of a small miracle for New York. In a city so vulnerable to plunder that it can't prevent subterranean scam artists from sucking subway tokens out of turnstiles, here's something that actually works. And the city won't even have to lay out any money: the cash comes from advertisers who will plaster their logos on the sleek commodes. But this is New York, after all, so even this modest advance has become the target of a political tug-of-war.

Roughly the size of airplane bathrooms, the toilets were designed small to prevent drug parties, sex-seekers, vandals and vagrants. They are too small, in fact, to accommodate a wheelchair. What was intended as a security precaution was immediately labeled by disabled rights advocates as a deliberate effort at exclusion. Crying discrimination, they said the toilets violated the new Americans with Disabilities Act, which requires that any new facility constructed be usable by the handicapped. To solve the accessibility problem during a four-month trial program last year, the city required Decaux

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to install a larger unit reserved for the disabled next to each smaller kiosk. Instead of depositing a quarter, wheelchair users traveled to a designated newsstand or office building nearby for a free reusable magnetic card to gain entry. When the permanent units are installed, most won't even have to do that: the city plans to distribute the cards free through disabled organizations, hospitals and nursing homes.

Although there would be one accessible toilet for every smaller one—despite a pilot survey that showed on average one in forty-five users needed a wheelchair—the two-toilet solution has become a crucible for disabled activists, who have bombarded the mayor's office with complaints. "Their attitude was you're either for the disabled or for Decaux," one council member said privately.

The Battle of the Bathrooms ensued. Council members considered requiring a single toilet big enough for someone with or without a wheelchair. But in a flourish of French pique, Decaux, who rushed in from Paris last week to plead his case, refused to build a one-for-all toilet, declaring he'd boycott the contract bidding. When asked why Decaux was so protective of his tiny toilet, his representative from the New York law firm of Phillips, Nizer, Benjamin, Krim & Ballon replied, "It's like Stradivarius. If you asked him to make a violin with three strings, he'd say, 'I won't do it that way.'"

Disabled advocates matched the hyperbole. "I feel discriminated against ... when I have to wait," said Bobby Levine, a board member of Disabled in Action, referring to the added time it takes to get a magnetic card. And Mary Johnson, editor of the *Disability Rag*, declared: "There are some people who want to contribute this segregated system for reasons that seem to be logical, but Jim Crow seemed to be logical at one point.... This issue really comes down to segregation." Advocates found a sympathetic ear in the mayor's Office for the Disabled. "When facilities are separate, they're basically and inherently unequal," said Anne Emerman, the office's chief.

Disabled advocates' use of civil rights language has been effective not only in getting legitimate legal protections, but also in putting on the defensive anyone who strays from the party line. The Jim Crow analogy is absurd, but city politicians, who would rather face a firing squad than a disgruntled interest group, don't dare say so. Emerman, who has been confined to a wheelchair for the last forty-six years, speaks movingly of a life of "difficulty and exclusion." To her, having to travel half a block for a card is an unacceptable hardship. She suggests ensuring security through other means—by limiting hours, increasing police foot patrols and dispatching police cars if toilet trouble arises.

Of course, skepticism toward any governmental enterprise is healthy. Before the pipes are laid, disabled advocates are right to ask whether the dual system is necessary. But when the evidence builds in the other direction, persistence can turn into obstruction.

Last week the council voted to give preference to single-unit bids, but it could be as long as two years before on-street relief is available. If City Hall ultimately opts for the two-toilet solution and disabled activists file suit, the Justice Department would then have to decide whether the plan passes ADA muster. This could mean months of further political battles. In the meantime, at least, there's always Bloomies.

PATRICIA COHEN is a reporter for New York *Newsday*.

A primer on Israel's Court ruling.

THE BANISHING

By Nathan Lewin

In all the high politics that prompted Israel to return 100 of the 400 exiled Hamas leaders now encamped in no-man's land, one aspect of the story was lost: the Israeli Supreme Court's ingenious and defensible treatment of the case. Indeed, in bending to power politics and permitting a round number of deportees with no legal criteria for their selection, Prime Minister Yitzhak Rabin undermined an institution that actually responded to the crisis with judgment and dispatch.

The deportations began when more than 400 Hamas were rounded up at night and hustled to the Lebanese border in a bus caravan, a move designed to beat any filing of legal papers with the Supreme Court. Israeli civil rights lawyers raced to the Court, and Justice Aharon Barak, the intellectual leader of the Court's activist and liberal wing, issued an order in the wee hours of December 16 halting the deportation. The Court's three senior members (including Barak) gathered at 5 a.m. to consider whether to keep the buses from traveling farther north.

Soon after the three justices assembled, they convened an unusual session of seven of the Court's full complement of twelve. In virtually all its cases Israel's Supreme Court sits in panels of three; it very rarely calls even five justices together. Only twice in its forty-five-year history has the full Court been gathered to hear a case.

The seven justices who considered the case included at least two liberals—Theodore Orr and Barak—both of whom voted previously to stop the deportations while the Court was considering them. On January 28, one week after it held two days of public hearings, the Court issued its unanimous ruling. It explicitly voided Rabin's expulsion order, but it nonetheless provided for the first time a clear legal case for the expulsions. The rul-

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ing was not merely unanimous; it was a single opinion signed by all seven of the justices—a break from standard practice designed to convey the agreement of all justices to every part of the decision. (The U.S. Supreme Court did the same in its 1958 Little Rock school decision, when its ruling was signed by nine justices to express its unanimous rejection of the challenge to the Court's authority.)

The basic premise of the Court's ruling was the attorney general's representation that each of the individuals who were under order of expulsion presented a danger to national security and public safety. The ruling concluded that the expulsion was valid under a law that existed even before the State of Israel was established. A 1945 provision adopted by the British Mandate authorities allowed temporary expulsions of individuals from Palestine. Israeli military authorities adopted pre-existing law in the territories taken during the Six-Day War. Thus, the Court reasoned, the expulsions from the territories were legal.

The Court acknowledged, however, that expulsion is permissible only if it is "necessary or desirable ... for the security of the public, the defense of the State of Israel, the maintenance of public order or the suppression of uprising, rebellion or riots." It may not be imposed on a group, but only against individuals as to whom there is "clear, unequivocal and persuasive" proof. The Court's opinion recites the history of terror within Israel for which Hamas took credit in the days before the expulsion order, a history that details a sequence of murders and other brutality with which the Hamas intended to "wipe out" Israel, just as Islam "has wiped out its predecessors." But the difficult legal issue was how to ensure that only those meeting the Court's criteria were expelled. The government admitted that mistakes had been made in nineteen cases. Fourteen Hamas had returned by the time of the Court decision.

The mistaken expulsions proved the point pressed most insistently by the Israeli civil rights groups that challenged the government. In the absence of any judicial process or other hearing before the deportations were carried out, there was no legal certainty that only the culpable were being deported. Rabin's expulsion order allowed a relative or lawyer to file an appeal on behalf of a deportee only *after* the deportation. The government argued that the gravity of the national security interest justified leaving the deportees with only a post-expulsion appeal, pointing out that, under the British Mandate procedure, there was not even a guaranteed right of appeal—much less of a prior hearing.

But opponents of the deportations insisted that only a *prior* adversary hearing could meaningfully protect individual rights. All of the justices, including conservatives such as the Court's deputy president, Menachem Elon, agreed with the civil rights group on this issue, concluding that Israeli Supreme Court precedents made a pre-expulsion hearing necessary. The most venerable precedents were biblical: Adam and Eve were given an opportunity to explain their actions before they were exiled from the Garden of Eden, and Cain was confronted before he was punished for the murder of Abel.

Because they would not validate an expulsion procedure that would routinely deny a hearing before an individual is banished, the unanimous Court explicitly voided the order under which the deportations were carried out. But it also held that since the deportations were valid under the 1945 Mandatory Law, they could be given effect if individual hearings were provided promptly. (Permitting hearings to be held after detention is not unknown in American law. A 1983 majority decision written by Justice William Rehnquist permitted a prison inmate to be isolated for six weeks before an informal hearing. The ruling somehow did not prompt U.N. sanctions against the United States.)

The Israeli Supreme Court directed the government to provide a prompt hearing for any deportee who requests one. The justices added rights that the Rabin expulsion order had excluded: the deportees were entitled to appear personally for their hearings, not to be represented only by relatives or lawyers; to be accorded the opportunity to meet with their lawyers; and to be tried at hearings at any location where correct procedures could be assured by the military—not only where the military found it convenient. That, at least, was the reasonable conclusion of the Court. And then politics intervened.

NATHAN LEWIN, a Washington lawyer who litigates in the Supreme Court, writes on constitutional matters.

WHITE HOUSE WATCH

HARD LABOR

By Fred Barnes

AFL-CIO President Lane Kirkland promoted two favorites for Cabinet nominations, Senator Bill Bradley for secretary of state and scholar Seymour Martin Lipset for secretary of labor. Neither happened. He pushed a half-dozen names for foreign policy jobs. So far only one, Winston Lord as assistant secretary of state for Far East affairs, has gotten a job. And when President Clinton met with his Cabinet at Camp David in late January, key issues on organized labor's agenda—banning permanent replacement of striking workers, boosting the minimum wage—weren't discussed. In fact, Labor Secretary Robert Reich doesn't know where the strikebreaker bill ranks on the administration's list of priorities. "I haven't talked to [Clinton] about it," he says.

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The labor movement deserves a medal for being a good sport. Labor, notably the public sector unions (American Federation of Teachers, National Education Association and American Federation of State, County and Municipal Employees), gave Clinton critical support in the campaign last year. One-quarter of Clinton's vote—11 million out of 44 million—came from union households. Now it's payback time, and labor doesn't have much to show for it. Clinton used "diversity" to fill Cabinet and sub-Cabinet posts, but only race and gender, not union affiliation, mattered. "If [labor leaders] had been asked to submit ten names for labor secretary, Reich wouldn't have been on the list," says a Kirkland associate.

Two former labor officials got senior jobs at the White House, Howard Paster as chief congressional lobbyist and Joan Baggett as deputy director for political affairs. Their union ties had practically nothing to do with it. Paster was legislative director for the United Auto Workers in the late 1970s, but he made his reputation as a private sector lobbyist. Baggett was director of government relations for the International Union of Bricklayers and Allied Craftsmen from 1979 to 1990. What mattered, though, was her stint as chief of staff under Ron Brown at the Democratic National Committee since 1991. She got a call the night before the announcement of the new White House staff last month and was asked if she'd take the political job. Another woman was needed for diversity's sake. Baggett more than fit the bill. She's a resourceful political operative, with experience in national campaigns.

Despite being snubbed on jobs, labor is happy, especially with Reich, the former Harvard professor and Oxford pal of Clinton's. "I think he's going to be terrific," says Rachelle Horowitz, the AFT's political chief. AFSCME President Gerald McEntee says unions wanted "an economic player" as labor secretary, not necessarily someone from organized labor. Reich qualifies. "I have the ear of the president," says Reich. "I'm on the Economic Security Council.... The period of somnolence at the Labor Department has come to an end." Reich quickly vindicated union backing. He told Labor Department employees his agenda "dovetails" with organized labor's. He insisted that the administration will push vigorously for raising the minimum wage, now $4.25 an hour. Reich also prompted Clinton to rescind two executive orders by President Bush that angered labor. Small stuff, but pleasing to unions.

Labor satisfaction with Clinton has another source: Clinton groupies in the labor movement. AFT President Albert Shanker has known and liked Clinton for a decade. Their relationship blossomed because they found they agreed on education, not labor issues. With Clinton in the White House, "the feeling is pretty good," says Shanker. "Clearly Clinton came to feel the union contribution to the campaign was very useful." Clinton forged a friendship with Lynn Williams, president of the United Steel Workers, when they spent half the night arguing about trade at a conference in Germany. Both were too sleepy to go to work the next morning. NEA President Keith Geiger, UAW President Owen Bieber, John Sweeney, head of the Service Employees International Union, and McEntee are also close to Clinton. McEntee says he can't wait to be invited to a Rose Garden ceremony at the Clinton White House. "I've never been in the Rose Garden."

The main reason labor doesn't feel let down by Clinton is that it's not expecting much. Labor is no longer the juggernaut of the 1950s and 1960s. Then, the liberal lobby in Washington consisted of labor—and only labor. In 1953, 35 percent of private sector employees were union members. Since the 1970s labor's political clout has weakened. Now 16 percent of workers are unionized, but only 11.8 percent in the private sector. In competitive industries, excluding regulated monopolies such as utilities, unions represent but 7.8 percent of the work force.

Rather than obedience, labor now must settle for access. "The doors were barely open for twelve years," says Don Stillman, the UAW's top official in Washington. "Already we've had access" with the Clinton administration. A week before Inauguration Day, Bieber met with Clinton in Little Rock to discuss auto issues. Shanker boasts he's talked to Clinton four times since the election. When he heard Clinton might subject fringe benefits to taxation, McEntee got on the phone. "Every time I've called Clinton, he's returned the call." He told Clinton that taxing benefits was a "scary proposition." Clinton was noncommital, saying everything is on the table as his economic program materializes and everyone will have a say. "That's what he always says," adds McEntee.

Even if labor's influence were strong as ever, the truth is it doesn't have much of an agenda to impose. Most union leaders are more interested in Clinton's economic and health care programs than in labor-specific issues. And with public service unions constituting 36 percent of union membership, the agenda has changed. Public employees aren't worried about strikebreakers taking their jobs permanently (or temporarily, for that matter). In his presentation at Clinton's economic summit in December, McEntee focused solely on more money for cities and infrastructure. "We're talking about a public investment, private sector work," he said. "We would certainly agree with Nobel laureate Mr. [James] Tobin on that long-range program that he talks about—$50 billion over a two- or three-year period."

Low expectations may not prevent labor leaders from having their hearts broken. The Tobin plan clashes with Clinton's lust for deficit reduction. The president has already trimmed the economic stimulus package he'll propose on February 17, giving some union chiefs the willies. Talk of taxing benefits alarms them all the more. Then there's the North American Free Trade Agreement. Against the wishes of the AFL-CIO, Clinton wants NAFTA ratified without reopening it for more negotiation. Some unions also feel threatened by Clinton's plans for national service. (They don't want unionized jobs filled by non-union young persons fulfilling a service requirement.) "Very candidly, I have a deep worry,"

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says Bricklayers President Jack Joyce. "Are we going to see Carter II? I don't think so.... But sometimes you wonder if you aren't kidding yourself. This organization isn't going to go down the primrose path with Clinton. If that's the direction, it's goodbye, Mr. Clinton." •

Discrimination, 1948 and 1993.

THEIR WORDS

By Gary J. Bass

"I'm well familiar with the black experience in the military," says Colin Powell, chairman of the Joint Chiefs of Staff. "I need no lectures.... I think [race] is different" from sexual orientation. For Powell, the analogy between the military's discrimination against blacks and gays "is a convenient but invalid argument." Whatever the merits of Powell's point, there's one fact that even he will find hard to ignore: the arguments—even the words—used for the gay ban in 1993 are almost verbatim those used in 1948.

Harry Truman's 1948 executive order declaring "that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin" prompted a military furor. "The soldier on the battlefield deserves to have, and must have utmost confidence in his fellow soldiers," said an official U.S. Army report to the secretary of defense. "They must eat together, sleep together and all too frequently die together. There can be no friction in their everyday living that might bring on failure in battle." "Service members live together, shower together, sleep in cramped quarters together and—in an emergency—share blood with one another," echoes Melissa Wells-Petry on the op-ed page of the February 1 *Wall Street Journal*, some forty-five years later.

The first major shot at Truman came from his own Army chief of staff, General Omar N. Bradley, who hadn't been notified of Truman's decision. "The Army is not out to make any social reforms," he said on a trip to Fort Knox, Kentucky. "It will change that policy when the Nation as a whole changes it." In 1992 then Secretary of Defense Dick Cheney said, "The military is not a social welfare agency.... We aren't there to run social experiments." In *The New York Times* in 1948, military analyst Hanson Baldwin groused that "it is extremely dangerous nonsense to try to make the Army other than one thing—a fighting machine." Similarly, in 1993 *The Wall Street Journal* warns that "danger looms when a country's politicians and intellectuals start talking about diverting the military from its primary purpose."

A few months before Truman's executive order, General Dwight Eisenhower told the Senate Armed Services Committee, "I do believe that if we attempt merely by passing a lot of laws to force someone to like someone else, we are just going to get into trouble." For Ike, racism was an "incontrovertible fact," and ignoring it could lead to violence. Thus, "when you put in the same organization and make live together under the most intimate circumstances men of different races, we sometimes have trouble." More than four decades later, on CBS's "Face the Nation," Senator Sam Nunn frets that "violence against homosexuals [is] one thing that has to be considered." In 1948 Representative Overton Brooks of Louisiana warned that "it is a serious mistake to bring politics into the armed services"; in 1993 Senator Dan Coats writes in *The New York Times* that Clinton "values political deals over military needs."

In a speech on the House floor a few days after Truman's order, Representative William Lewis, a Kentucky Republican, feverishly asked his colleagues to "imagine, if you please, a colored man sleeping in a lower berth in the same coach just opposite a white woman in easy arm's reach of each other. Does not such tend to encourage amalgamation of the races?" In 1992 Coats warned that "bunks are twelve inches apart on a ship." Testifying in 1992 before the House Budget Committee, Powell worried about placing homosexuals "in with heterosexuals who would prefer not to have somebody of the same sex find them sexually attractive, put them in close proximity, ask them to share the most private facilities together, the bedroom, the barracks...."

In 1948 blacks were accused of spreading tuberculosis; today gays are accused of spreading AIDS. Segregationist Richard B. Russell of Georgia, the most prominent Southern senator of the time, spoke at length about the threat of venereal disease from blacks, claiming that "the incidence of venereal diseases, gonorrhea and syphilis, was 252 per thousand among the Negro race, as compared to 17 per thousand with the white race." In 1993 Wells-Petry writes in the *Journal* that "homosexual adolescents ... were 23 times more likely to contract a sexually transmitted disease than were heterosexual adolescents."

Opening up the military was then and now just the thin edge of the wedge. Russell feared something far worse: a president who "advocated intermarriage of the races and absorption of the Negro by the white race through the process of miscegenation." Utah and Idaho Baptists critical of Clinton issued a statement opposing the "active integration of a homosexual 'lifestyle' into mainstream society."

Of course, everyone in favor of the gay ban now may be as right as all those opposing racial integration were wrong then. But the circumstantial evidence is, shall we say, damning. Those pundits and pols now echoing argument for argument and word for word their racist forebears might stop for a moment and worry about the future judgment of history. Nexis can be a merciless thing. •

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Drugs and the young Clintonite.

JOINT CHIEFS

By Stephen Rodrick

It's January 21, and you're a savvy and righteous young Clintonite. After a year of worshiping James Carville's bald pate from your Little Rock wonk work station, you're ready to rewrite public policy. But to do that, you have to get that dream special assistant to the deputy undersecretary for office procurement job first. Despite all the whiz kids from Hotchkiss and Dartmouth, the folks at the transition warehouse on Vermont Avenue seem acutely interested in your résumé. After a pleasant interview in which the proper "Evening Shade" and Children's Defense Fund references are made, the FOBs are impressed. All that remains is to fill out a little paperwork. Reading the required ten-page U.S. Office of Personnel Management Standard Form 86, "Questionnaire For Sensitive Positions," you begin to feel a bit agitated. A clammy feeling starts at the question about prior arrests, but hey, that was for protesting outside the South African Embassy, so no problem. Then, looming like a hideous car wreck, there is Question 25. "Illegal Drugs and Alcohol: In the last five years, have you used, possessed, supplied or manufactured any illegal drugs? If you answered 'yes' provide information relating to the type of substance(s), the nature of activity and any other details relating to your involvement with illegal drugs." Your mind whirs through those crazy bake sessions of your senior year in 1988, the line of coke you did after the Skins won the Super Bowl and that roommate's Valium you took after your girlfriend dumped you for an engineering professor. Does it count? (Yes on all three.) You conjure up images of the FBI knocking down your best friend's door and putting her under the hot lights until she squeals about your prized high school possession: the graphite bong. You have to make a decision: To lie, or not to lie?

No administration knows more about drug use than Bill Clinton's. Clinton's own "did not inhale" remark taught him the p.r. blunders of not coming clean on drugs. As the first president from a generation where a zero tolerance drug policy would be ludicrous, Clinton has hinted he'll shift drug policy from the interdiction of Reagan-Bush to treatment and rehabilitation.

Back in the pre-Nancy years, of course, the issue of drug use was nearly nonexistent. According to *Vanity Fair*, JFK smoked dope in the White House with his mistress. Nixon talked tough, but then deputized Elvis as an honorary DEA agent. In the Carter White House, legend has it, questions were pretty much limited to who had drugs and whether or not they would share. Even after the storm created by the 1979 accusation, later refuted, that White House chief of staff Hamilton Jordan had snorted cocaine at New York's Studio 54, there was no coherent drug policy for White House staffers. But all that changed in 1981. The Reagan administration established tougher standards, requiring applicants to disclose their drug histories and instituting random drug testing. Still, the rules governing just what was considered too much drug use were never clearly defined. Standards varied from department to department. The State Department, for example, left the decision up to a review board; less sensitive agencies relied on the discretion of office supervisors; the CIA administered polygraphs to confirm the accuracy of an applicant's disclosures. But during the Reagan-Bush reign of terror, it didn't seem to matter whether you told the truth about drug use or not. Either way, you were screwed.

"O.K., so maybe I did egregiously understate my drug use, but it was only for a summer job," says John Blow (not his real name), who applied for a CIA post during the '80s. After answering questions about his willingness to parachute into Eastern Europe without telling his mother, a CIA official asked him if there was any part of his application where he had been less than truthful and would like to reconsider. "I said yes in regards to my drug use, which was probably a mistake, and they led me into this room without windows. It was a warm spring afternoon and I was wearing a winter suit and immediately began to sweat. They hooked me up to a polygraph machine and began asking questions about how often I had used drugs. No matter what I'd say, the needle kept jumping all around. I finally decided to come clean and began to tell my interrogator what I thought was the truth but the CIA guy kept glaring at me, saying I was a liar and grossly underestimating my drug use. Finally, I figured out what the problem was. To him, each puff on a marijuana cigarette counted as one use while I was counting each session. So if a joint was passed around and you took three or four hits, you were using drugs four times. Needless to say, I had to revise my count upward. I didn't get the job."

Clearly, Blow's experience proved one should be up front about any drug use, right? Not exactly, according to one recent State Department applicant. After passing the written and oral exams, he was called in for a routine meeting with a medical officer in the spring of 1991. During the visit, he was asked to fill out a medical form that included questions about drug use. Unlike Blow, he was meticulous. "I wrote down fifty times for pot, ten for cocaine and two mushrooms through 1983 when I left college, which I thought was a good estimate to the best of my ability. After that, I listed pot six times in the past seven years including a single puff three months ago." After seeing his drug admission, the physician asked him point blank: "If you were in the foreign service would you use drugs?" His response was, "If I'm in the foreign service I would not use drugs." The rest of the applica-

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tion process went fine, and he left with the impression that his appointment was imminent. It wasn't. "They said my security clearance had been approved, but that the State Department final review board thought my drug use was too recent and my answers were insincere."

The generational difference between the Clinton administration and the Bush-Reagan regime would suggest greater tolerance in the nebulous world of drug checks. But as with the Bush and Reagan officials, no one on the Clinton team would say just what the rules are. Clinton officials insist that prior drug use will not immediately wash out prospects; but Form 86 is still part of any application for mid- and high-level jobs. Even after the application and security check, White House staff must submit to a drug test before taking their positions. Currently 300 FBI agents are working full time ferreting little white lies out of applications. Still feeling lucky? If you do manage to squeeze through the holes, frequent on-the-job random drug tests lurk. A midlevel Bush official recalls being tested twice in three years. "Perhaps the only benefit of moving to the campaign was there was no drug testing even as we were pushing Clinton's 'did not inhale' as an issue," he says.

So what is the sporadic pot-smoking Clinton hopeful to do? Can you refuse to answer on constitutional grounds? A call to the Marijuana Legal Reform Organization evoked this response: "Uh, I don't know, man, you're going to have to do your own research. Yeah, uh, sorry, man." Lawyers say it is within your rights not to provide drug information. Unfortunately, they also say it is within the government's rights not to hire you. When asked how many times was too much, an exasperated Clinton official answered, "Obviously, we're not going to be running a drug den, but if someone has drugs in their past and it's no longer a problem, we're not going to refuse them if otherwise they're qualified. We just ask them to be truthful."

You may begin to drink heavily now. •

Is Clinton Dukakis II?

THE OLD DEMOCRAT

By John B. Judis

Bill Clinton ran for president as a "new Democrat"—a label meant to differentiate him from a generation of losing Democratic candidates. And he gave plenty of evidence that he was different. He kept the campaign focused on the economic travails of the middle class, targeted the suburbs as much as the cities, declared his support for capital punishment and welfare reform and opposed the cultural sectarians on the left and right. But judging from his appointments and actions since November, Clinton the president has proved markedly different from Clinton the candidate. He seems to have reverted to the model of politics that guided Democrats for the last two decades. Clinton's Cabinet and White House choices have been virtually indistinguishable from those that Michael Dukakis would have made had he been elected last November. "It was as if someone pulled a switch and he suddenly changed," said one disillusioned campaign worker. What follows is a guide to the "old Democrat" shibboleths Clinton has now restored.

1. Affirmative action to achieve racial and social equality as the overriding priority. In Clinton's Cabinet choices, he pledged to create diversity, but the kind of diversity he forged was primarily in terms of minorities and women, not in terms of income, region, religion or political inclination. He didn't, for instance, appoint any Republicans or anyone associated with the Perot movement, or anyone from the Midwestern states that were so critical to his election.

Clinton's most revealing choice was former Denver Mayor Federico Peña over Chicago banker William Daley for secretary of transportation. Neither man had outstanding qualifications, and the choice was governed by Clinton's desire (under pressure from Washington lobbies) to have another Hispanic in his Cabinet in addition to Secretary of Housing and Urban Development Henry Cisneros. But as a result of this choice, Clinton failed to include any Northern urban Catholics. He also put two former mayors from relatively small, new and prosperous Southwestern towns in charge of the two Cabinet positions that had been most important to Northern cities: a goofy decision, but driven by the priority Clinton gave to one kind of affirmative action.

To anyone schooled in Democratic Party history, Clinton's modus operandi should not have seemed unusual. The party's realignment in the '70s was triggered partly by its overriding commitment to racial and sexual equality. Although commendable in principle, it was taken to extremes, blinding Democrats to valid social concerns of working-class whites for neighborhood schools, safe streets and equal opportunity.

Indeed, what happened in Clinton's Cabinet happened twenty years before to the Democratic Party itself. After the 1968 debacle, George McGovern was put in charge of a party commission to establish new rules for nominations and conventions. The McGovern commission mandated that party delegations no longer be chosen by local bosses, but elected on slates that were racially and sexually proportionate to the population.

That sounded all right on paper, but it meant that the urban ethnic politicians and labor unions that played so dominant a role in the New Deal coalition were pushed to the periphery and replaced at the party's center by silk-stocking liberals and well-heeled representatives of minorities. At the 1972 convention, Jesse Jackson and William Singer unseated Chicago Mayor Richard Daley's

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delegation on the grounds that it hadn't followed the McGovern rules. Over the next two decades, these rules produced an official Democratic Party that was far more sexually and racially diverse, but also far more affluent and removed from the concerns of working- and middle-class Americans.

2. The centrality of cultural and social issues. Although Clinton focused his campaign on "growing the economy," his first actions as president were to revoke the gag order on abortion counseling and to begin removing the gay ban in the military. Both actions were campaign pledges and morally justifiable, but they showed the degree to which Clinton gave priority to cultural and social rather than economic issues. In 1981 Ronald Reagan, the arch anti-Communist, rebuked his secretary of state for focusing popular attention on Communist insurgencies in Central America while he was trying to sell his tax program. Reagan believed that economic reform must be his first priority. Clinton's actions showed that it was not his.

Clinton's willingness to place a priority on cultural issues again reflects the transformation that occurred in the Democratic Party during the late '60s and the '70s, when many Democratic politicians believed that the coming political contests would no longer be fought over jobs and taxes. McGovern's campaign is remembered largely for the senator's foreign policy positions, but its real thrust was cultural and social, parodied in Nixon's characterization of the Democratic platform as "acid, amnesty and abortion." In 1984 Gary Hart, who had chaired McGovern's 1972 campaign, and his pollster Patrick Caddell placed their hope on the cultural predilections of the "baby boom generation." Walter Mondale and Dukakis placed theirs on the "gender gap." Clinton gave mixed signals during his campaign, but during his first three months he took up arms on one side of the cultural divide that opened up in the late '60s.

3. The ascendancy of Wall Street, K Street, Southwestern oil and gas and the Washington public interest lobbies. Clinton's White House and Cabinet choices were dominated by representatives of the key interest groups that have dominated the party for a decade or more: Wall Street liberals, K Street lawyer-lobbyists, Washington's public interest community and Southwestern oil and natural gas. In making his appointments for economic policy, Clinton looks as though he will do for Goldman, Sachs what Reagan did for Bechtel. He has already appointed two Goldman, Sachs partners, Robert Rubin and Kenneth Brody, to major positions and has reportedly tendered an offer to a third, Robert Hormats.

In filling the main position that oversees social policy, secretary of health and human services, Clinton tapped a former chair of one of Washington's most powerful liberal lobbies, the Children's Defense Fund. In staffing the White House, Clinton appointed three veterans of People for the American Way, Hollywood producer Norman Lear's civil liberties lobby: David Kusnet, Ricki Seidman and Melanne Verveer. By contrast, he didn't appoint anyone to the White House or Cabinet from a list submitted by the AFL-CIO.

On a crass level, these choices reflect who funded Clinton's campaign. Wall Street investment bankers (with Goldman, Sachs in the lead), Washington lobbyists and liberal interest groups, Hollywood and natural gas interests were among Clinton's biggest donors. But the ascendancy of these groups also reflects the political transformation of the Democratic Party over the last two decades. Once the party of Walter Reuther and Richard Daley, it is now the party of Robert Rubin, Eleanor Smeal and Vernon Jordan.

Although the party still combines some disparate interests—the Natural Gas Supply Association probably doesn't concern itself much with abortion rights—its Wall Street, K Street and Washington public interest components enjoy common social backgrounds and similar worldviews. All these sides of the party can agree on combating racism and sexism (particularly in executive hiring) and on trying to alleviate the more conspicuous forms of poverty. But the bankers, lawyers and staff members of the liberal lobbies display less interest in the kinds of economic or social problems that bedevil most Americans—from streetcorner crime to high taxes to factory closings. By ceding his Cabinet to representatives of these interests, Clinton has distanced himself from much of America.

4. The Washington-Manhattan-Cambridge-Hollywood beltway. During the transition, Clinton also adopted the myopic perspective of the party's elites who see the country as an extension of their own sociocultural enthusiasms and the opposition as a tiny fanatic fringe. By his own admission, Clinton was entirely unprepared for the popular emotion over Zoe Baird and gays in the military. In 1988, of course, Dukakis was similarly amazed that the public became upset at his stand against compulsory recitation of the Pledge of Allegiance and at his program for furloughing convicts.

This myopia has also affected the way Democrats think about economic policy. In 1984 Mondale, surrounded by Wall Streeters, thought he could endear himself to the electorate by favoring a tax increase. Clinton knew better during last year's campaign, but once elected, he immediately abandoned his promise of a middle-class tax cut. This move may have been fiscally necessary, but instead of supplementing it with proposals that would show his continued concern for middle-class needs, he began floating schemes for tax increases and Social Security cuts. This is a kind of politics that has marginalized the Democratic Party for two decades.

5. The snubbing of the Democratic dissenters. The New Deal party was an unruly coalition, but the post-1972 Democratic Party has sometimes resembled an exclusive clique. In his campaign, Clinton followed the coalition model, but as president he reverted to the clique, excluding groups that were outside the Democratic establishment, even if they had been important to his campaign.

He got considerable help last fall from veterans of the

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Coalition for a Democratic Majority, the cold war liberal group formed in 1974 to restore the New Deal coalition by electing Washington Senator Henry Jackson to the presidency. With the collapse of their hopes, some prominent CDM members, including Jeane Kirkpatrick, backed Ronald Reagan in 1980 and joined the Reagan and Bush administrations.

With the cold war's end, the CDM lost its rationale, but its neoconservative survivors remained a distinct faction committed to an active pro-democracy foreign policy. Two of them, Penn Kemble and Joshua Muravchik, helped write Clinton's major foreign policy address last October, and another, Richard Schifter, quit the Bush State Department to work on Clinton's campaign. Their support helped deflect Bush's attacks against Clinton's foreign policy ability. But Clinton and Warren Christopher largely ignored them in staffing the State Department—finally appointing Schifter to a minor part-time post.

During the campaign, Clinton didn't simply rely on the Democratic Leadership Conference; he was identified as a loyal member. The DLC was founded in December 1984 in the wake of Mondale's defeat. Funded by Wall Street and K Street lobbyists, the organization, under the leadership of Al From, Chuck Robb and Sam Nunn, sought to wrest the Democratic Party from the AFL-CIO, Jesse Jackson and liberal interest groups. Like the CDM, it attempted to win back the middle class, but the DLC's image of the middle class was not a factory worker in Akron but a white-collar worker in Fairfax or Orlando.

Under Robb's leadership in the mid-'80s, the DLC's political message pivoted on the same cold war catchphrases that moved the CDM, but after 1988 the DLC established a think tank, the Progressive Policy Institute, that recruited a group of Democratic intellectuals to devise a more positive domestic program. The new PPI-DLC program stressed national service, welfare reform, "reinventing government" (the phrase of PPI fellow David Osborne) and free trade and free market solutions to the country's economic ills.

Clinton himself chaired the DLC in 1990 and used DLC and PPI staff during his campaign. He advocated the DLC's programs and relied on his association with the organization to distance himself from Jackson and the party's left. Yet Clinton failed to appoint any DLC staff person to a major White House or Cabinet post. Two DLC members, William Galston and Bruce Reed, were made assistants to domestic policy adviser Carol Rascoe. Elaine Kamarck, the PPI's welfare reform expert, and Osborne were both passed over without even a glance.

Clinton also turned his back on the DLC's pet programs. He appointed Eli Segal, whom he met in the McGovern campaign in 1972, to oversee national service. Segal had no prior connection to the DLC's plan, and there are already hints that national service will be scaled back to pilot programs. Clinton appointed a foe of the DLC's welfare reform to head HHS. And barely a week after his victory, he backed down on two proposals—for a line-item veto and for the reduction of Congress's bloated staff—that are certainly important to "reinventing government."

During the campaign, Clinton courted the economic nationalist faction that formed within the Democratic Party during the mid-'80s. Composed initially of Rustbelt congressmen, smokestack industries dependent upon government help and industrial unions, it championed regulation of foreign investment, industrial policy to aid American firms and a militant trade strategy to open up Asian markets. It also won support among high-tech manufacturers during the last recession. Clinton attracted significant support from this faction and reciprocated by backing aggressive trade tactics and new tax laws that would prevent cheating by foreign corporations. He also joined Ross Perot in railing against "big-shot lawyer-lobbyists."

After the campaign, it was a different story. Although Clinton did appoint a favorite Silicon Valley economist, Laura Tyson, to chair the Council of Economic Advisers, he largely snubbed the economic nationalists. He named Ron Brown, an influence-peddler with no experience in manufacturing, to head the Commerce Department, and Mickey Kantor, a lawyer-lobbyist with no experience in trade issues, as the U.S. Trade Representative. He appointed Roger Altman, a specialist in selling American companies to the Japanese, as deputy secretary of the treasury under Bentsen. Last week, to make amends, he finally appointed an industrialist—Cray Research CEO John Rollwagen—to be Brown's deputy.

Taken individually, these slights to dissenting Democrats may have had little significance. Who is to say that Muravchik or Kemble would now favor different human rights policies than the ex-Carterites Clinton appointed to the National Security Council and State Department? Or who is to say—given the deficit and the priority that Clinton has assigned to national health insurance—that the DLC's proposals for national service and welfare reform have not become expensive luxuries? But taken together, Clinton's slights raised serious questions about whether he was a "new Democrat" after all. One DLC operative confessed privately that if he had known how Clinton would turn out, he might have cast a protest vote for Perot last November.

One consequence of Clinton's shift from "new Democrat" to old has already become clear in Washington. The new president has lost some of his ability to maneuver with Congress even before he has introduced his economic program. John Breaux, the current DLC chairman and a former Clinton ally, was among the first Democrats to call for Zoe Baird to withdraw, and DLCer Nunn led a noisy public charge against Clinton's plan to end the military's gay ban.

But the most important consequences will come if Clinton continues unabated along this path. The Democrats have won elections and maintained their power when they were perceived as the economic cham-

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pion of the middle and working classes. When they have been identified for their stands on sociocultural issues—whether in the 1920s on Prohibition or in the 1980s on race, crime and family—or when they have adopted Wall Street-style approaches to the economy, they have invariably lost.

More is at stake than Clinton's own political survival. No politician can hope to reform the economy without the firm support of middle-class voters, who must bear much of the sacrifice needed to address America's economic problems. If these voters perceive that Clinton is the president of K Street and Wall Street and of Washington's liberal lobbies, they will balk at higher taxes or more energetic government programs. Clinton needs to get back to these voters now, or he will forfeit any chance to turn the country around. •

Yeltsin's plan for survival.

APOCALYPSE NOT

By Martin Malia

Barely a year after the fall of Soviet communism, the West seems ready to judge Russian democracy equally doomed. Following the December Congress of Peoples' Deputies and Yegor Gaidar's ouster, Boris Yeltsin's reforms were increasingly written off as an interlude between communism collapsed and a looming fascist future—Weimar Russia—or as a replay of Kerensky's Provisional Government between czarism and Bolshevism. But wait: the seesaw of crisis goes on. Last week Yeltsin declared on national T.V. that the danger of hyperinflation is as mortal as the Nazis at Stalingrad, while his apparatchik new prime minister suddenly spoke pure "Gaidar."

Meanwhile, here at home, in one corner, Professor Stephen Cohen tells us that economic shock therapy is destroying the achievements of Soviet industrialization and the Soviet welfare system, since the market is an American importation, unsuited to Russian culture. Professor Jerry Hough, echoing the Russian Civic Union of industrial managers, explicitly concludes that the West should drop Yeltsin for the "centrist" Arkadi Volski, a Civic Union leader.

In another corner, Professor Peter Reddaway, in a great slick of gloom spreading out from *The New York Review of Books* to *The New York Times* to the London *Independent*, asserts that shock therapy was "fatal," a "fraud," only aggravated by Yeltsin's accumulated "errors." The result was a ruined economy, an impoverished population, a disintegrated state and impending descent into nationalist reaction. What policy follows from this is not specified, but presumably it is the nihilistic abandonment of Russia to her fate. For the real culprit in this apocalypse is Russia's "political culture," compounded of autocracy above and servility below, which has made her an eternally hopeless case, whether white or red—and now red, white and blue.

The real question, however, is not whether the Yeltsin-Gaidar reforms have "succeeded"—of course Russia does not yet have an effective market democracy—but how good are the results thus far. And this can be answered only if we take sober account of the universal "rubble," in Solzhenitsyn's metaphor, that was Russia's inheritance from Sovietism. For the Soviet Union was not Franco's Spain or Pinochet's Chile, where a market, private property and civil society existed beneath a despotism whose end sufficed for democracy to emerge. The Soviet Union was totalitarian: everything—from politics to the economy to culture—was absorbed into the Party-state. Gorbachev's perestroika showed that such a total system cannot be reformed piecemeal: it ends in total collapse, leaving behind a total problem. And to climb out from under the wreckage, everything has to be done at once, thus creating an impossible situation where everything, logically, has to be done first.

Yeltsin did not have the choice of carrying out separately and seriatim a democratic political reform, a liberal economic reform and building a Russia distinct from the Soviet Union. He had to take the gamble of attempting all at once. This took him beyond reform to revolution—but revolution of an unprecedented sort. Earlier Western revolutions were by breakthrough, as when an already formed English Parliament or the dynamic French Third Estate cracked the outworn shell of royal power. But the anti-Communist revolutions of 1989-91 were by implosion, with the shell of the Party-state simply disintegrating, leaving no viable institutions for the successor democracy to build on.

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MARTIN MALIA is professor of history at the University of California, Berkeley. His book *The Soviet Tragedy* will be published by the Free Press later this year.

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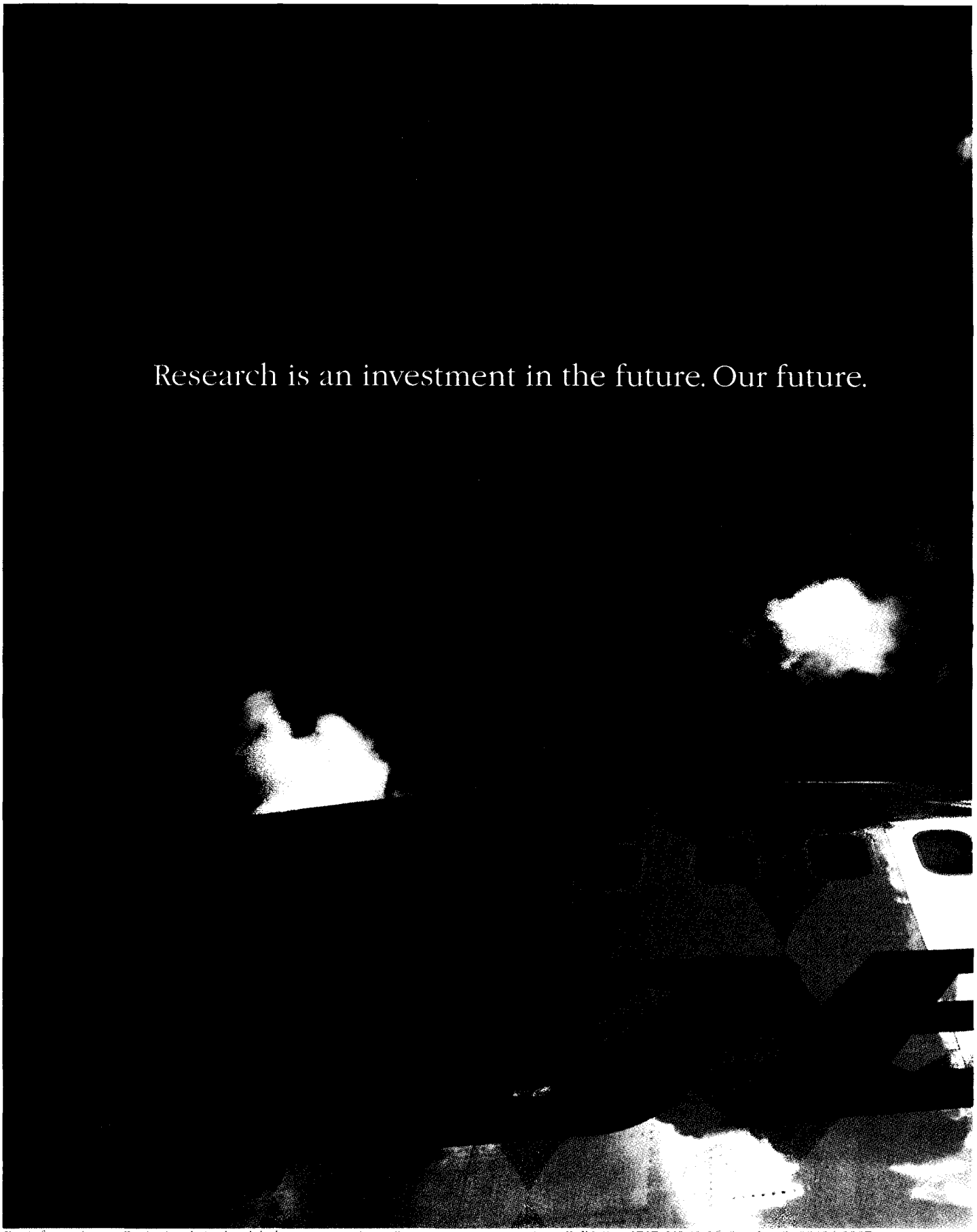

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In such a situation, circumstances impose priorities. Thus after the August 1991 putsch, Yeltsin and the democrats began with partial political reform. By December this had precipitated the problem of the Union and Russian identity. So it was only in January 1992 that they were able to launch economic reform—while at the same time juggling the still-unresolved political and national issues. It is in this disorderly order that Yeltsin's mere first year will be examined here.

Directly after the coup, the most urgent problem for Yeltsin was political. The chief obstacle to a "normal" society—the Party—was immediately banned and its property confiscated. This also entailed dismantling its central Soviet counterpart, Gorbachev's undemocratic Congress of Peoples' Deputies together with its legislative Supreme Soviet—a move that destroyed the Union government. Some democrats then urged that the Russian Congress of Peoples' Deputies and its standing Parliament, only somewhat less undemocratically elected than their Union equivalents, should also be abolished and new elections held. But Yeltsin decided against this, a choice since judged to be one of his great mistakes—which it indeed proved to be, for during the next year this Congress became the vehicle for conservative opposition to all his reforms. Still, it should be emphasized that this opposition would have emerged anyway, since it sprang from real vested interests with an alternative power base in the still-surviving industrial structures of the old order. And at the time, the decision seemed reasonable, partly because dissolution would have left the country with no legislature or even the semblance of a constitution, and partly because the Russian Congress cooperated with the new democratic government by voting Yeltsin ample decree power for the economy.

And it was not at all certain that new elections would produce a more satisfactory legislature: the first post-Communist elections in Poland, held at this time, had yielded an unmanageably splintered Parliament. So the old Parliament was left in place, and Russian democracy began its career without a constitution; or, what amounted to the same thing, with its only legal basis the Brezhnev Constitution of 1977, as amended more than 200 times and written for a Union that was now disappearing.

Thus the internal political problem fused with the issue of what to do about the Union. As a matter of both principle and practical politics, it was impossible to demand democracy in Russia and yet refuse self-determination to the Union republics. And after the shock of the coup, these all voted to secede, leaving some 25 million Russians stranded in what was now the "near abroad." This result was unsettling to most Russians, who, though they had always lived badly under communism, still derived consolation from being citizens of a great state. Thus, the end of the now detested old regime was nonetheless felt as a national humiliation, a sentiment aggravated by Russia's new dependence on the West.

All the same, it is an exaggeration to say that these circumstances have engendered rabid nationalism. In fact, for the magnitude of the loss in power and prestige, and the very real problem posed by the Russians "abroad," the reaction has been mild—as comparison with the backlash in France after the loss of Algeria or America's trauma after the "loss" of China readily reveals.

Indeed, one of Yeltsin's great accomplishments has been to reorient Russian foreign policy away from the messianic Soviet quest for global power toward a pragmatic national interest. He has thus negotiated such delicate issues as the historically Russian Crimea, kept steady on rapprochement with the West and pushed nuclear arms cuts from START I to II. That he on occasion sounded a strong patriotic note, especially apropos of Moldova and the Kurile Islands, is only normal—and prudent—for a leader who must accept staggering retrenchment and yet maintain national dignity.

Moreover, for those who would read the Russian future through the prism of Croatia and Bosnia, it should be pointed out that the Commonwealth of Independent States has already passed the flash point that produced that tragedy. This point was the Yugoslav secession movement in late 1991 and 1992, a process the Soviet Union went through non-violently in the fall of 1991. And the reason for the difference in the two outcomes was that a Yugoslav Communist Party still in power, and in possession of an army, exploited Serbian nationalism to combat secession and so maintained its positions, whereas the Russian democrats aimed to destroy the Party and to shrink the armed forces, and therefore sponsored secession in the Baltic states and Central Asia and accepted it in Ukraine and Belarus. This, of course, does not mean that the Russian diaspora no longer presents a potential for conflict, as the current tension in Moldova shows. But it does mean that post-Soviet ethnic problems can be resolved non-violently if they are channeled through democracy. And this brings up the matter on which democracy's success depends above all: the economy and the fortunes of shock therapy.

To be sure, Yeltsin's first year has been the worst one yet in Russia's long-running economic crisis: the gross national product dropped around 20 percent, and industrial production 50 percent; prices rose 2000 percent while inflation was running at a monthly rate of 25 percent to 30 percent; and the ruble was down to 450 (now 550) to the dollar from 135 in June. Only 40 percent of taxes were being collected, and the government lost control of the money supply, with a deficit of 1.5 trillion rubles.

Yet it is absurd to impute these problems primarily to the mistakes of the Yeltsin-Gaidar government, real though these at times have been. The economic decline began under Brezhnev; it had assumed crisis proportions by 1989 under Gorbachev; and it had become a free-fall by 1991. If this process accelerated in 1992, this was, partly, because of the collapse of both the external and internal Soviet empires and the disruption of trade. But, above all, the decline was due to the salutary reduction of military procurements by around 80 percent from the

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previous year, which accounts for most of the production fall bemoaned by the Civic Union. Far from being the cause of the deepening debacle, shock therapy was the first serious attempt to do something about it.

In theory, there are two economic options for the exit from communism: the revolutionary way of shock therapy and the evolutionary way of gradual transition. Gorbachev's perestroika was an approximation of the second way. He never intended to go over to the market and private property, as his rejection of the Five-Hundred Day Plan in 1990 attests. But the result of his half-measures, such as enterprise autonomy, was to disrupt the Plan, which at least kept production going, without creating a market. So the democrats concluded that a clean break with the old order alone could salvage the economy.

And this was the pattern in all post-Communist countries. Poland, after the failure of the Jaruzelski-Rakowski perestroika, was the first to try a "big bang" of liberalization, in January 1990; but all Eastern European countries (with the partial exception of Hungary) attempted one or another variant of a cold-turkey cure. In East Germany this took the bruising form of unification with the West; in the Czech republic, of Vaclav Klaus's carefully calibrated liberalization-cum-privatization.

Everywhere, too, the pain of the result led to outcries that a more "gradual" course should have been followed. Yet it is a curious fact that nowhere has a concrete program of gradual transition been advanced. When one looks at the various candidates for this "centrist" role—from last year's backtracking Olszewski government in Poland, to that of Meciar presently in Slovakia, to the Civic Union in Russia—one finds only such ad hoc measures as subsidies and price controls to preserve the existing industrial plant and worker security, but nothing to promote a transition. This is what the Gaidar team of Young Turks realized. They, like Yeltsin, are not reformers, but revolutionaries. Their chief aim has not been the short-run revival of the economy, but the destruction of the old command-administrative system; for this is the indispensable prelude to real economic revival, stable democracy and national reconstruction alike. In public they talked only about the market and private property; in private they called their program "capitalism." Gaidar also said he was a "kamikaze," who expected to last only a few months after price liberalization; in fact he lasted a year. They were as much interested in shock itself as in its immediate therapeutic results, for their goal was to create an "irreversible situation" that would make return to the old order impossible.

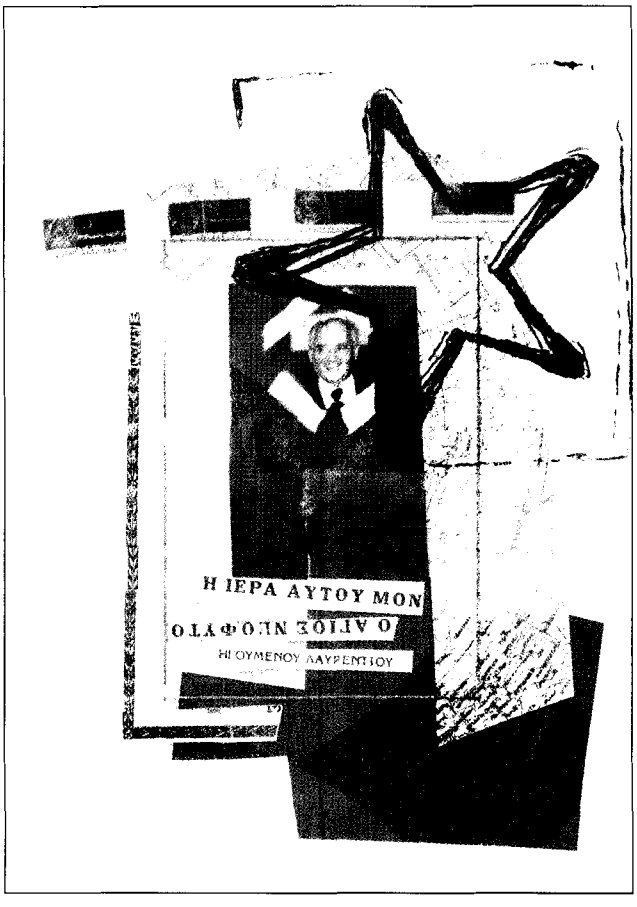

ILLUSTRATION BY TOM PRESTON FOR THE NEW REPUBLIC

Yeltsin announced his commitment to such a radical course on October 18, 1991, and in November entrusted its implementation to Gaidar and his "boys." The first Gaidar program began on January 2, 1992, and was in fact something less than full shock therapy. Prices were freed except for food staples, transportation and energy, where they were only increased; and this last exception skewed the whole price structure. The short-term aim was monetary stabilization and internal convertibility. Privatization and demonopolization of state industry were to come later, as was the dissolution of collective agriculture. The program since then has gone through three phases and as many crises.

The first phase extended from January to the Congress of Peoples' Deputies in April. On the economic front, prices rose some 300 percent and then began to stabilize. Queues disappeared and goods reappeared, though savings were depleted—a combination that counts as a success for such an operation. But on the political front, opposition to real prices emerged among industrial managers and focused in Parliament.

The reason for this was that the victory of the democrats the previous fall had been greater than their real strength in the country. The base of the democrats was largely the intelligentsia and the young, who could not run the country on their own, while management of the economy was in the hands of the former Party *apparat.* This force simply could not be ignored, nor its real expertise dispensed with. In this regard, the makeup of the Gaidar team was particularly provocative, for its members were young academic economists without management experience who were out to undo the whole of Soviet history.

The conflict between the two forces moved into the open at the April Congress. Under fire, the Gaidar government threatened to resign, but a compromise was reached whereby three industrial managers, among them the future prime minister, Victor Chernomyrdin, were taken into the government and liberal credits were extended to state enterprises. This was necessary in large part because, as Jeffrey Sachs has pointed out

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in these pages (see "Home Alone 2," December 21, 1992), after April the $24 billion in credits promised by G-7 were not forthcoming, thereby undermining Yeltsin and Gaidar vis-à-vis their critics.

The second phase extended from this setback to a still greater one in the summer. In July, Victor Gerashchenko, the last director of the Soviet State Bank, became head of the Russian Bank and opened wide the floodgates of credit to industry simply by printing new money. This resulted from another anomaly of the Soviet heritage, for the Russian Bank depended on Parliament, not the government—an arrangement that made no difference under the old regime when the Party decided everything but that was now exploited to thwart the Gaidar program. Simultaneously, enterprises generated loans on their own by mutually deferring payment for goods received.

The government, moreover, was now confronted by the Civic Union, a coalition formed in June by four groups: Volski's "Renewal," an outgrowth of his post-August managerial lobby; a nationalist secession from Democratic Russia, led by Nikolai Travkin; Vice President Aleksandr Rutskoi's People's Party of Free Russia, a grouping of former reform Communists and some military officers; and the old trade unions, perennial instruments of management. This bloc advanced a program that may be called *nomenklatura* national populism.

These groups accept the market and privatization, at least in words, but with the former regulated and the latter conducted to transfer state property to its present managers. They see the danger of hyperinflation as secondary; for them the problem is the falling volume of production. They seek a revived Russia not in the development of a service and consumer sector, but in the "modernization" of the existing "industrial base," dominated though it is by armaments and hopelessly noncompetitive metallurgy. For they believe that this base is necessary to Russian national strength—in the world, in the old Union and in the new Federation. They therefore regard the International Monetary Fund as a disruptive Western influence, and take a (misunderstood) version of China's authoritarian liberalization as the proper model for Russia. Their real program is the stabilization of production, through price and wage controls, subsidies and state orders. In short, they want a situation as close to the old order as possible, and they are "centrist" only by comparison with the paleo-Communists and wild nationalists more prominent in Parliament than in the country. And the ambitious speaker of Parliament, Ruslan Khasbulatov, strengthens the Civic Union's position by insisting on parliamentary supremacy over presidential authority.

As a result of these political pressures, by summer the central policy-making apparatus had broken down. The government lost control of the money supply and macroeconomic stabilization was out of the question. Yet only a part of this was due to Gaidar's liberalization. The basic cause was political: the incoherence of the central political bodies and the institutional independence of the managerial class.

Why, then, did Yeltsin not act more decisively to reduce the chaos? First, it was politically impossible to let great numbers of enterprises fail and unemployment grow before new economic opportunities had been created. Second, the disintegration of state authority set in motion by the collapse of the Union had spread to the new Russian Federation. Yeltsin was no more able to command than Gorbachev; so compromise was constantly necessary to buy time.

Yet the great inflation and the compromises of the summer did not stop the progress of reform, and in the fall a third phase began when a program of privatization was at last ready. Its author, Anatoly Chubais, had delayed it until then because of the prior necessity of corporatizing industry by reorganizing it as joint stock companies. Vouchers were first distributed to the population in October, and by the end of the year the process of converting them into shares was haltingly under way. At the same time, the government tried to rein in inflation; and in November Yeltsin by decree incorporated the director of the State Bank into the government. Shock therapy acquired its second wind.

This frightened Parliament. Moreover, the next Congress of Peoples' Deputies was to meet on December 1, and with it Yeltsin's decree powers were to expire. He therefore urged Parliament to postpone the Congress until spring, when a new constitution would be ready, and also to permit privatization to produce results. But the legislators turned him down because they wanted a showdown over Gaidar, now as much a symbol as a political actor. Yeltsin then laboriously negotiated a deal with the Civic Union to keep Gaidar in exchange for further subsidies to industry; in this process the Civic Union, revealingly, failed twice to produce an economic program of its own. Finally, Yeltsin thought he could count, as in the past, on 400 of the 1,000 Congress votes, with his recent concessions bringing along enough of the "marsh" to give him a majority.

However, when Congress met everybody's plans went awry. The Civic Union fragmented and failed to deliver its alleged bloc of votes, even though Yeltsin allowed Parliament to have a veto over four key ministries, including Defense and Foreign Affairs. The Congress simply pocketed the concession and turned Gaidar down in a fit of nihilistic pique. Yeltsin then denounced the body for attempting a "creeping coup d'état" and threatened to go to the country with a referendum. But after his speech he found that of his usual 400 supporters, fewer than 200 followed him out of the hall.

He thus had to accept another deal, brokered by the head of the Constitutional Court, providing for a preliminary straw vote on the prime ministership, and Gaidar came in a poor third. Yeltsin technically could have kept him as acting prime minister until April, but instead chose Chernomyrdin as the weaker of the Civic Union's candidates. Finally, the Congress agreed to a referendum for April 11 on the principles governing the new consti-

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tution—a decision that meant its own demise.

At the time, all this appeared as a disaster for reform, and Yeltsin's more radical supporters declared he had sold out. In retrospect, however, the Congress did not change things very much. Chernomyrdin proved a weak reed for reaction, decreeing, then quickly rescinding, price controls. Most of the Gaidar team, and in particular the minister for privatization, Chubais, remained. And they were joined by like-minded Boris Fyodorov, brought back from the World Bank as deputy prime minister for the economy. Policy stayed the same: a mix of liberalizing reform and concessions to the holdovers of the old status quo. So reform continues, though at a slower pace.

Indeed, there are pluses in the new situation. Yeltsin remains the only national leader of stature, with an approval rating around 50 percent, while the Congress emerged from the fray diminished. The Civic Union appears no longer as a juggernaut, but as a movement even more fractured than Democratic Russia. Moreover, with Chernomyrdin as prime minister, it is now coresponsible for future policy and pain. Above all, the April 11 referendum offers the possibility of a new constitution to abate the present political incoherence. This is only a possibility; for drafting the referendum and then fighting the election will surely provide the stuff of the next Russian crisis.

But the success of Russian democracy cannot be gauged only by high politics in Moscow. Perhaps more important are spontaneous changes at the grass roots and in the provinces, changes we hear little about because they escape the net of Russia's deficient statistics. And in those areas, centrifugence has unleashed the entrepreneurial spirit among the population, especially the young. To be sure, some of this has fed mafias and criminal activities, facilitated by the lack of a new administrative and judicial system appropriate to the market. But activity from below has also produced a surge of marketization in services and light consumer production. Both sectors have doubled in the last year. They now employ around 40 percent of the labor force outside agriculture. If we add to this the privatization of old enterprises, some 25 percent of GNP is now non-state. Moreover, regions such as Nizhnii Novgorod, the Urals and the Far East are introducing their own market reforms. The main failure of reform thus far has been in collective agriculture. The government claims 150,000 new private farms, but this is probably an exaggeration. Still, in November the term "private property" was at last introduced into the constitution by presidential decree; and 15 percent of agricultural production is now marketed privately.

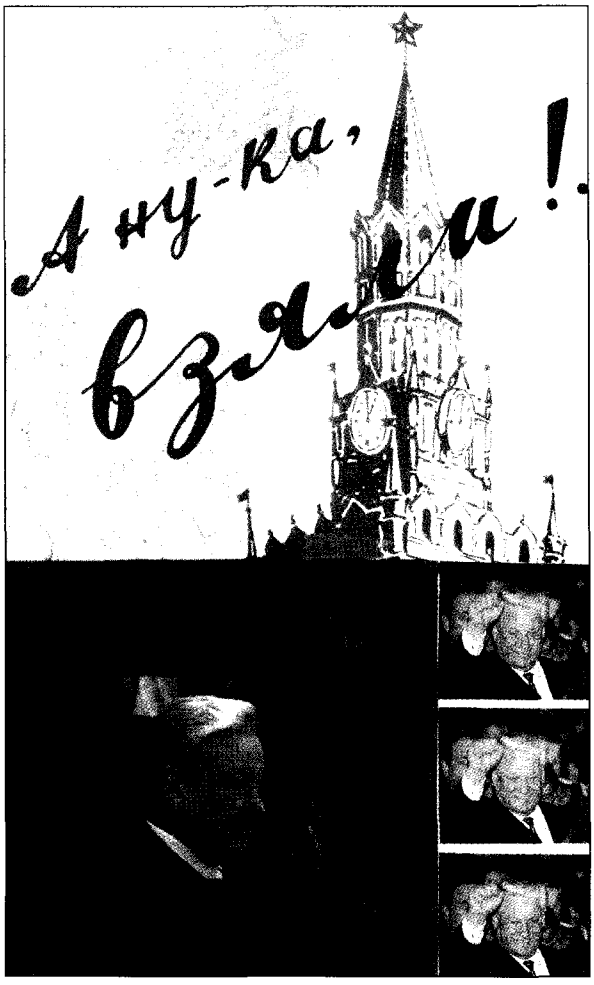

ILLUSTRATION BY TOM PRESTON FOR THE NEW REPUBLIC

But will Russia's bleak political culture permit it to achieve any constitutionalism? Well, that heritage is not monolithic or immutable. Though its government was always autocratic, after 1855 the autocracy was constantly under challenge by such "Westernizers" as Alexander Herzen, even from the progressive bureaucrats who devised the Great Reforms of Alexander II, and then the Kadet Party in the Legislative Duma after 1905. Old-regime Russia was thus going through the same transition from royal absolutism to constitutional democracy as the rest of pre-1914 Europe, but some fifty years later. This tradition, of course, lost out in 1917. We should not forget that the more advanced liberal traditions of most of Europe also lost out between 1918 and 1945. Yet this did not prevent all of Europe from turning to democracy between 1945 and 1989. Nations *do* change. Russia has already done so mightily since 1985, again fifty years after the other interwar dictatorships. And never has this change been more rapid than in Yeltsin's first year.

So what does that year add up to? The first aim of stabilization was not realized, but a great advance was made toward the objective of irreversible structural change. Society has become monetarized; real prices—not administrative directives—are now the norm for economic activity. Although the bulk of the country's capital stock is still state-controlled, privatization of this sector is gaining momentum and a new, non-state sector is developing even more rapidly alongside it. All these trends can no longer be stopped, only slowed.

Still, in a society as radically dysfunctional as Russia amid the rubble of Sovietism, things have to get worse before they can get better. Economists call this phenomenon a J-curve. Russia may now be nearing the bottom of the J. We might have a clearer view of its location with the next April crisis. Or the one after that. So we should brace ourselves for the long haul, and not panic every time there is a crisis in Moscow. Crisis is the stuff that exits from communism are made of. •

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BOOKS & The Arts

Stanley Kauffmann on Films

News of the World

Manuel Cussó-Ferrer, a Catalan director, has made a film about Walter Benjamin. That's not a typographical error: Walter Benjamin. Even more odd, it's not an orthodox documentary, it's an attempt at imaginative evocation. Made in 1992, **The Last Frontier** takes as its center Benjamin's attempt to cross the Pyrenees with some companions in September 1940, fleeing the Germans. Cussó-Ferrer garlands this center with memorabilia of Benjamin's past, fantasies of his present, an interview with Jean Selz, the aged French art historian who knew Benjamin in the 1930s, and variegated scenes of abstraction and fantasy.

Still more odd, *The Last Frontier*, which was part of a series co-sponsored by the Jewish Museum of New York and the Film Society of Lincoln Center at the Walter Reade, was only one of two films on Benjamin in the series. The other was *One-Way Street*, done by the Australian John Hughes in 1992. (I was unable to attend either of the two showings of the Hughes film.) Imagine: *two* films about Benjamin made at opposite ends of the earth in the same year.

Cussó-Ferrer's film is not very moving, but withers-wringing (about Benjamin's suicide because he failed to escape) is not his aim. Nor does Cussó-Ferrer add much to our knowledge of the subject. He is after a kind of visual meditation on history, ironically contrasting the richness of European thought at the very moment that European barbarities were in progress. As such, it has some flavor.

Two points. The film reminds us of Benjamin's strong interest in children's literature. And the very existence of this film reminds us of how little we know about what's happening in film in the rest of the world.

Yet another reminder of that sad condition—the 1993 edition of the *Variety International Film Guide* edited by Peter Cowie (Samuel French; 528 pp., 280 photos; $17.95 paper), the thirtieth anniversary edition. The book lists film festivals around the world, film archives, journals, book shops, but about 400 of its pages are devoted to reports on activity in, apparently, every filmmaking country in the world. Even if we have some idea of how much we don't know about international filmmaking, the *Guide* italicizes our ignorance.

There's a special section on Iranian cinema, about which—thanks again to the Walter Reade—I feel an iota less ignorant: recently I saw two films by the gifted Abbas Kiarostami. But what about Kazakhstan? Andrew Horton reports from there that "Rashid Nugmanov, whose film *The Needle* set the tone in 1989 for the 'Kazakh New Wave,' is completing his second feature." I haven't a clue even about the Kazakh Old Wave. Will I ever see Nugmanov's work? Or that of his countrymen?

From Croatia, of all turbulent countries, Tomislav Kurelec reports that of 188 cinemas, eighty-four are in operation and that one of Croatia's most important directors, Krsto Papić, has finished a new film. Laos, Fred Marshall says, has no active film industry of its own; still, two co-productions, French-Vietnamese and Burmese-Hong Kong, were shot there recently. We've long known that India makes films in many languages, but Pakistan, notes Aijaz Gul, makes films in Pashto, Urdu, Sindhi and Punjabi. He tells us further that the comic star Omar Sharif (not the Sharif we know), who "has produced, directed and acted in dozens of [theater] comedies" and who is "a household name in stage comedy in Pakistan and the Gulf," has now made a successful screen debut.

One film discussed in the *Guide* that I want especially to see is Polish, *The Silent Touch* by the well-known Krzysztof Zanussi, which features Max von Sydow as an aged Hungarian composer who leads an isolated life in Denmark. (The accompanying photo whets the appetite.) In Sri Lanka, says Amarnath Jayatilaka, the president of the country opened, in October 1991, the Rukmani Devi Memorial Center for the Performing Arts. "This center was the brainchild of the president, who had admired the acting and singing talents of the late Rukmani Devi—the first lady of the Sinhala screen who died a few years ago." Not many of us have had the chance to appreciate her talents.

Rashmi Doraswaimy reports from Tadzhikistan that one of the leading film figures is Davlat Khundonazarov and that "his body of work is central to an understanding of Tadzhik cinema today." Mohammed Rouda reports from Tunisia that, in this Muslim country, three female directors are at work. And so on.

Cowie's editorial and an introductory article by David Stratton make the same

FILMS WORTH SEEING

Hoffa. *Jack Nicholson's brawny acting and Danny DeVito's excited directing drive this American morality tale along. (Reviewed 1/18/93)* **Intervista.** *A serious revel. Federico Fellini, without a real subject, plays enchantingly with that fact, exploring his past, present and genius. (12/7/92)* **The Oak.** *A very black Romanian comedy about two lovers in Ceausescu's next-to-last year. Lucian Pintilie directs intensely, and a wonderful young woman, Maia Morgenstern, lights up the screen. (2/8/93)* **Riff-Raff.** *Ken Loach makes us, for ninety-four minutes, members of a gang of London construction workers—and glad of it. Quasi-neorealism, all vitality and grim gusto. (2/15/93)* **—SK**

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point: American films are flooding the world market, drowning local production. Says Stratton:

> Although probably just as many people are going to the world's cinemas today [as thirty years ago], they're more likely to be seeing mainstream American films than attending new works by the descendants of Bergman, Godard and the rest.... Most film books now seem to deal with aspects of the American cinema, and the film magazines that thrive ... deal almost solely with Hollywood movies.

Twenty-one of the reports from abroad include a list of the ten top-grossing films of 1992 in the country being discussed. In only two of these countries, Japan and Italy, were five of the top ten domestic products. In two countries, Yugoslavia (as of last June) and Malaysia, three top films were domestic. In three countries, two films were domestic, and in five countries, there was only one domestic hit. In all the other countries, all of the top films were American.

Two obvious facts. First, nobody forces audiences around the world to attend American films: people want those films. Second, local talent is endangered. The supermarkets are swamping the local entrepreneurs. We know why. We also know what is threatened. Some months ago (TNR, July 13 & 20, 1992) I reported on what the European Community is doing in an attempt to decrease—that is, to compete successfully with—American imports. Other nations, or groups of nations, may need to do the same. •

The Candidate

BY STEPHEN L. CARTER

Capitol Games: Clarence Thomas, Anita Hill and the Story of a Supreme Court Nomination by Timothy M. Phelps and Helen Winternitz

(Hyperion, 458 pp., $24.95)

Race-ing Justice, En-gendering Power: Essays on Anita Hill, Clarence Thomas and the Social Construction of Reality edited and with an introduction by Toni Morrison

(Pantheon, 475 pp., $15 paper)

The American public has a famously short political memory, but the wound opened by the televised hearings on Anita Hill's charges that Clarence Thomas sexually harassed her continues to fester. Fifteen months later, to support the wrong combatant in the wrong company is still to court ostracism and vilification. How bitter are the divisions on the most difficult and painful confirmation battle of our time? So bitter that many are still reluctant to say publicly what they believe privately. I recently heard a professor at one of the nation's leading law schools wonder aloud why so few of the many prominent legal academics who told friends that they believed Anita Hill were willing to say the same thing in public—especially, he could not help noting, those with Supreme Court practices or aspirations to appointive office. He seemed unnecessarily cynical about his colleagues, and yet one can understand why those not called upon to take a position in the controversy would stay away from it.

Plainly the country has not yet come to terms with the problems that the hearings posed. Two of those problems have been much discussed: our inability to cope with women's charges of sexual abuse and our unwillingness to move beyond our national obsession with race. (More on those presently.) Much less discussed, however, has been what the hearings revealed about our national attitude toward the Supreme Court. Perhaps because of abortion, perhaps for more complicated reasons, we have come to accept a vision of the Court that would surely have seemed bizarre to those who designed the Constitution: we treat it as a place where national policy is made on crucial issues, and therefore as a kind of electoral office for which candidates should campaign, or be campaigned against. The old law school (or high school civics) image of judges making up their minds after hearing cases rather than before has been consigned to the dustbin of history. We have recently endured twelve years of right-wing activists committed to the choice of justices (and, to some extent, lower court judges) who have already made up their minds about the central questions and will not be shaken from their views; and just over six years of a liberal-dominated Judiciary Committee with as firm a commitment to different views.

The way that this war played out in the Thomas hearings is the subject of *Capitol Games*, a lively and informative but openly biased book on the Thomas hearings written, along with Helen Winternitz, by Timothy Phelps, the *Newsday* reporter who, with National Public Radio's Nina Totenberg, is credited with breaking "the Anita Hill story." The book sets out to document, in often depressing detail, a tale of three campaigns—the campaign by Thomas and his supporters for the nomination, during what might be termed the primary season; the campaign by a much thicker (and better financed) crowd of supporters for his confirmation, during what was practically a general election; and the campaign by his opponents to find a way to swing that election against him.

It is clear from the opening pages that Phelps is no fan of Thomas. In his introduction, he hints that Thomas should be impeached and removed from the bench for perjury. Thomas's decision to give a talk thanking a group that worked for his confirmation becomes an example of judicial impropriety, as does his service, while on the bench, on the editorial board of a right-wing publication. Yet Phelps continually misses the forest for the trees. (I refer to "Phelps" rather than "Phelps and Winternitz" because the narrative is rendered in the first-person singular.) He has dug up interesting facts, but in the end he focuses on relatively picayune points of contention, as though he believes there is some clean and fair way of battling out the election campaign into which the right and the left, in their joint and depressing search for ideologically correct appointees, have transformed the selection of justices. What he never discusses is whether this transformation is good or bad for the country.

I should state my own bias. I have known Anita Hill for years, and I have never for a moment doubted the truth of her charges. I was sickened by her treatment at the hands of Thomas's supporters, and I would like to believe that I would have been just as sickened had I never met her. But I was never part of

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some left-wing conspiracy to halt the Thomas nomination, and I have defended him against those who in effect question his blackness because they do not share his views. (Which is not to say, in turn, that I share all of his views.)

Since the hearings, the right has excoriated the left for its search for dirt and the left has excoriated the right for its unabashed effort to politicize the Court. There is force in both accusations. But what else can one expect? If, as official Washington has now conceded, the courts exist so that life-tenured policymakers can exercise lasting influence, then the game is simply one of electoral politics, and throwing around promises, money and dirt (all the things that seem to bother Phelps) is the way the game is played. Anybody who doesn't like the influence game (and one hopes, a little desperately, that President Clinton falls into this group) should oppose, with equal vehemence, the whole grubby business of selecting potential justices based on predictions about how they are likely to vote, for the two are inseparable.

That is why the nomination battle was hopelessly politicized long before official Washington heard of Anita Hill. According to Phelps, the conservative movement learned from the campaign against Robert Bork's nomination the importance of winning the battle for spin control. But if one looks back to the conservative campaigns against Thurgood Marshall and Abe Fortas, who were the last two nominees by a Democratic president, it is not apparent why this was a lesson that the right needed to learn afresh. Indeed, anyone who believes that the liberal struggles against the Bork and Thomas nominations were the most vicious in our history is invited to read the transcript, and the news accounts, of the openly racist (but never televised) campaign against Marshall.

Phelps details the efforts by the White House to find ways of forestalling opposition to Thomas and the delicate negotiations by the nomination's feminist opponents to get the traditional civil rights organizations to take the lead. Phelps identifies as crucial to the nomination's success the reluctance of the NAACP to come out against Thomas until relatively late in the summer—a reluctance, he insists, that was orchestrated by the White House, and that effectively hamstrung other opponents of the nomination, who were wary of attacking a black nominee without the backing of civil rights leaders. The fascinating implication is that the NAACP had a responsibility to coordinate its activities with other groups, as though, together, all of these organizations represent the opposition party—the unhealthy image, again, of an election contest.

DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

Because the controversy over the sexual harassment charges has overshadowed other aspects of the hearings, it is easy to forget what Phelps so usefully describes: the internal debates in the White House and in conservative circles on whether Thomas, if confirmed, could be trusted to vote the right way; Thomas's efforts to reassure key right-wing groups that he was one of them; and the pressure during the hearings from committee Democrats who sought what might as well be described as campaign promises. The electoral ethos so pervades the selection and the confirmation of justices that one is moved to wonder why we do not dispense with all the cumbersome constitutional rigor of presidential nominations and Senate hearings and proceed directly to a national election.

The national embrace of an image of the Court that bears no resemblance to anything that might sensibly be called "judging" provides the context within which to consider the reaction of the Senate Judiciary Committee to Anita Hill's charges. Contrary to the strange popular notion that they were raised at the last minute, the allegations, Phelps reminds us, were known by the Judiciary Committee weeks before they became public, and rumors had been kicking around Washington for months. The committee, to its discredit, never considered the allegations sufficiently serious to warrant detailed investigation until they were leaked and the ensuing public pressure forced its collective hand. (At least one journalist I know has described the leaking of Hill's charges as an act of courage. But it wasn't that at all; it was, rather, a splendid example of what John le Carré has called "the selfless and devoted way in which we sacrifice other people." Consider that the gallant soul who decided to use Hill's charges for his own ends by leaking them to the press—and setting her up for the vicious abuse that followed—still remains somehow too modest to step forward and accept the adulation of the public.)

The hearings themselves were grotesque. It is true that the Senate operates outside the standard rules of evidence, but in the hearings the Judiciary Committee appeared to operate outside the standard rules of fairness. The procedure seemed to be this: in questioning Hill, or in indirectly challenging her while questioning another witness, the members could rely on any hearsay, innuendo or anonymous allegation that they wanted. They were free to manufacture theories about her mental state on

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the spot, and to elicit further speculation from non-expert witnesses.

In questioning Thomas, however, the members were permitted to ask nothing of substance, as F. Lee Bailey, no partisan in the matter, pointed out in a detailed analysis of the questioning in the *American Bar Association Journal*. In a court of law, none of this would have been permitted. Indeed, as members of the Senate seemed to misunderstand, the "reasonable doubt" standard that many Thomas supporters said they were applying to the charges is yet another *evidentiary* restriction. It was odd to ignore so many such restrictions and then make a stand on this one—odd, that is, if one is running a factual investigation instead of a political campaign.

The practical problem faced by Hill was that charges of the sort that she was making are difficult to corroborate. The utility of character witnesses in such a setting is limited—the most extraordinarily respected of human beings can sin. That is why Hill's advisers were probably wise to use instead witnesses who could lend some credence to her story by showing that she had made consistent comments in the past, including comments at the time of the events in question.

Thomas's response was a defiant and blanket denial. He further argued that it was unfair to make him try to prove a negative, which is true only up to a point. We Americans have developed an odd fixation on personal vindication as the highest value to which an accused public official can aspire—and, among résumé-mad baby boomers, vindication means getting what you want. This seems wrong. Even taking Thomas at his word, even granting that the charges were unfair, one must cope with the fact that tens of millions of Americans disbelieved his story. And the numbers have grown steadily since the hearings. Whether he was telling the truth or not, it will be a very long time, perhaps his entire career, before he can participate in a controversial decision without having a significant segment of the public think back on how he got his seat, and ponder. This, invariably, reflects on the integrity of the Court itself, which is why even some Thomas supporters whispered that he should withdraw his name.

Another body of thought holds that Thomas would have been better off had he conceded the essence of the charges (quibbling over whatever details he might choose), expressed repentance, declared himself a changed man and thrown himself on the mercy of the Judiciary Committee. By choosing instead to make his stand on the question of truth,

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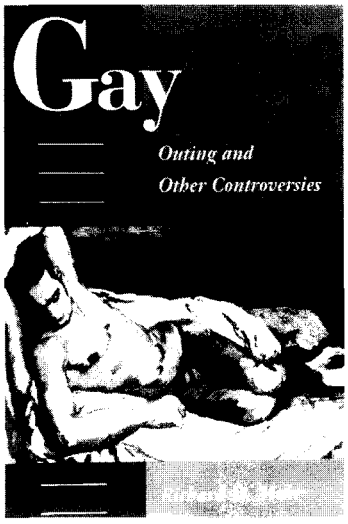

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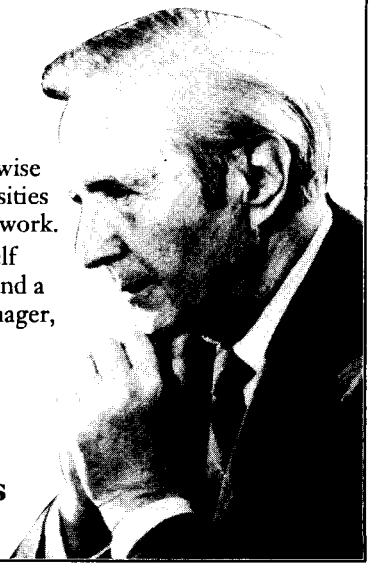

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Thomas left his supporters little choice but to do what a successful politician's handlers often must: attack the accuser. By using every available innuendo to cast doubt on Hill's person and thus on her story, they could not, perhaps, save Thomas's reputation—certainly they showed little interest in saving the reputation of the Court—but they could at least enjoy the satisfaction of a nasty job well done.

Since the hearings, right-wing journalists have tried to do more of what the committee Republicans tried to do—that is, find people who will supply the evidence that Hill is either delusional or a fabricator, preferably both. They have found unnamed sources galore. David Brock, for example, in a peculiar article in *The American Spectator*, soon to be expanded into a book, offers a chain of mostly unsupported and often contradictory assertions, many of which play perfectly into popular stereotypes of black people as sensually obsessed, of women as vindictive and of black women as both.

What is remarkable about all of this "evidence" of Hill's character is that none of it, not a shred, was given under oath. In other words, Hill was willing to risk prosecution for perjury in order to detail her allegations against Thomas, but not a single witness to any allegedly untoward behavior on her part was willing to swear under penalty of perjury to the truth of the tale. The worst that the Republicans were able to establish under oath was that Hill had been heard from time to time to say some nice things about Thomas, and that she had been wise enough to confide nothing of importance to John Doggett.

The lack of any credible evidence that Hill was lying (other than Thomas's own blanket denial) does not mean, of course, that she was telling the truth. Phelps offers some evidence of Hill's veracity, most of it, once more, from unnamed sources. Corroboration might have been offered by Angela Wright, another former Thomas employee who planned to testify to similar incidents, but she understandably chose not to appear after a battering from Thomas supporters. However, for committed partisans evidence was not, in any case, the issue. Many people seemed to make up their minds on the basis of their predispositions toward the nomination: we support Thomas, so Hill is a liar, or we oppose Thomas, so Hill is telling the truth. In an effort to stop all the talk of lying and perjury, Hill and her advisers hit on the idea of having her take a polygraph test after she and Thomas had both completed their testimony. She took it—Phelps provides a neat and sobering summary of the contents—and, according to the tester, she was telling the truth. (Phelps quotes Senator John Danforth to the effect that she at least thought that she was telling the truth, falling back on the image of the delusional Hill when the image of the lying Hill seemed not to fit the evidence.)

The polygraph story concluded in the spring of 1992 with an ironic twist. Former Defense Secretary Caspar Weinberger voluntarily took a lie detector test in an effort to avoid indictment in the Iran-contra mess—a test, as it happened, also administered by Paul K. Minor, the distinguished former FBI agent who the previous fall had been declared all but incompetent by Senate Republicans who refused to credit the results of his examination of Hill. Weinberger, like Hill, passed the test; only this time Republicans seized on the fact as evidence of his credibility, not his delusional character.

A very different perspective on the hearings is offered by a remarkable collection of essays edited by Toni Morrison and awkwardly titled *Race-ing Justice, En-gendering Power*. The essays reflect on the hearings, on Thomas and Hill themselves and on the larger problems of gender and solidarity in the black community. A few of the authors indulge the unfortunate and painful habit of some black intellectuals of explaining in self-righteous derision why those who disagree with them—in this case, Clarence Thomas—are necessarily dupes of white power. But most of the essays are fascinating and several are devastating, especially on the intersection of race and gender.

The star turn is Morrison's own essay, particularly in its incisive effort to understand why so many black people—including so many black women—flocked to the defense of Thomas, not Hill. Morrison concludes by questioning whether the time has come to abandon the ideology of solidarity (so do Paula Giddings, Manning Marable and Carol M. Swain, among others), under which black people are not supposed to criticize each other publicly. "The time for undiscriminating racial unity has passed," says Morrison. It is time to admit "that black people think differently from one another."

The ideology of solidarity worked in favor of Thomas against Hill. It was the same ideology that had helped him in the black community when civil rights organizations at last rallied against him and found many of their followers strangely unmoved. One prominent black political scientist, certainly no fan of Thomas's, grumbled that the civil rights groups had been tricked into "carrying the feminists' water" on the nomination. Even before Hill's charges were ventilated, one could hear in many a private conversation among African Americans complaints that the civil rights groups opposed to the nomination were tearing a black man down. Tensions between many traditional civil rights leaders and the rising generation of black feminists began to leak into the open. And after the allegations of sexual harassment, some of this just got worse: any number of black people seemed angry at Hill for assisting in the destruction, as many saw it, of a black man moving up in the white world.

For just this reason, Morrison is surely correct. The idea that there are things that black people should not discuss in public because they will keep other black people from moving ahead has a long pedigree. Ironically, it had previously worked *against* Thomas, as critics labeled him a traitor for opposing forms of affirmative action from which other black people could benefit, as he had. Hill ran into much the same thing, and one could hear on many black radio shows, in the fall of 1991, similarly explicit allegations of treason laid at her door. And, through it all, some black opponents of Thomas got angrier and angrier—not at Hill for criticizing Thomas, but at the attention that she and her charges were receiving.

At a dinner several months after the hearings, a black college professor complained angrily that he "didn't need any Anita Hill" to tell him to be against Clarence Thomas. A well-known black law professor has told a number of friends that Hill's testimony was a "distraction"—the idea, in both cases, being that the sexual harassment issue submerged the issues concerning race that Thomas's early black opponents were trying to raise. Underlying these complaints is a growing tension between black and white liberal activists, as concern over issues of gender continues to supplant concern over issues of race. (One frequently hears the argument, for instance, that white liberals prefer to deal with gender bias, which is about the opportunities that their wives and daughters will have, rather than with racial bias, which is about the opportunities that their servants will have.)

Although none of the contributors is a Thomas fan, and all seem to believe the sexual harassment charges, Hill, too, comes in for her share of criticism. For example, Michael Thelwell, in an essay that manages to insult just about everybody, calls Hill an "ahistorical technocrat"—evidently because she had the temerity to suggest that Robert Bork was

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badly treated by the Senate—and several essayists express uneasiness about her years in the Reagan administration.

What is most powerful about the essays is that nearly all of them share a common sense of pain—a pain that is only formally related to the replacement of the late Thurgood Marshall, the most important legal figure of the civil rights movement and one of the giants of American legal history, with Clarence Thomas, a less distinguished figure from the conservative movement. The deeper source of the pain is the political sea change that the succession reflects. For if Supreme Court nomination battles nowadays have about them the air of election contests, the prize to be won—the Court itself—stands for Americans as a symbol of our national direction. For the contributors to the Morrison volume, the fact that the nation would be willing to trade Marshall for Thomas is therefore a message. What makes all of this so complicated in the case of Thomas is not only that he was selected, as I say, on the basis of his likely votes. There are far more experienced white jurists who would have been as reliable, and perhaps more so, in the eyes of conservatives. But that is the difference: the other possible candidates for the seat that Thomas won were nearly all white (two were Hispanic). Thus, although it surely galls him, and at once bemuses and enrages his opponents, Thomas was also selected in part (some say completely) on the basis of his skin color.

Thomas, a staunch opponent of many forms of affirmative action, has more than once declared himself a devotee of the "colorblind" Constitution. But there is no such thing. As Judge A. Leon Higginbotham points out in a scholarly but angry contribution to the Morrison volume, no part of the Constitution was forged in a nation free of the painful awareness of color or racial oppression; several amendments, most notably the Thirteenth, the Fourteenth and the Fifteenth, reflect that reality, and none refutes it. When scholars and judges speak of a "colorblind" Constitution, what they really mean is that the Equal Protection Clause of the Fourteenth Amendment should be read to require the government to be colorblind. But this is not what the authors of the amendment had in mind, and the ideal of colorblindness did not become enshrined as an untouchable part of the political firmament until government began, albeit sluggishly, to make some affirmative use of color to undo some of the crimes that racism has wrought. At that point a legal barrier was needed, and the rhetoric of the colorblind Constitution suddenly supplied it.

Despite many revisionist attempts to argue the contrary, the best evidence remains that the framers of the Fourteenth Amendment did not want to abolish all government distinctions based on color. Many of them were what today we would consider racists, even though in their own era they might have been thought dangerously radical egalitarians. They did want to prohibit, however, what they saw going on in the South—not simple discrimination, but the systematic use of the machinery of the state to keep one race in subjugation to another. It is this truth that *Brown* v. *Board of Education*, which Thomas has criticized as poorly reasoned, nearly grasped. Thomas has argued that the *Brown* decision should have been placed on the pedestal of colorblindness, but he is wrong; the *Brown* decision should have been placed on the pedestal of the constitutional obligation to prevent systematic racial subjugation.

The colorblindness principle holds that affirmative action programs aimed at redressing past or present discrimination are presumptively unconstitutional (although in some very rare circumstances they might be upheld). But this rhetoric helps create the problem of our system of judicial selection. One may certainly have problems (as I do) with some of the policies promoted in the name of affirmative action without concluding that therefore the programs must be unconstitutional. This confusion of policy and constitutionalism, which the right claims to have learned from the left, is a sign not of strict construction but of a simple disrespect for the law, and a plain determination to shape it into an instrument of ideological engineering.

Besides, if government were as fully colorblind as Thomas and many of his supporters say it should be, there would have been no Thomas nomination and no Thomas confirmation. It is by now very old news that President Bush was not credible in insisting that race played no role in his selection, and that he had chosen the most qualified candidate available. Of course, one might respond that the "most qualified candidate"—whatever that means—is almost never the nominee. But in the case of Thomas, race was obviously part of the selection process; and Bush, had he acknowledged that fact, would not have been demeaning his candidate, but standing up for affirmative action at its best. He could have said, for example, something like this: "There were any number of

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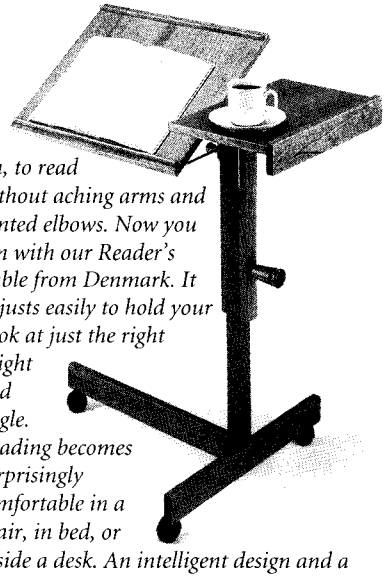

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qualified jurists who could have served with honor, and I have taken our nation's racial diversity into account, along with many other factors, in making my selection." Unfortunately Bush could not say that, for he had to placate the Republican right, which regards any remedial program even hinting of racial consciousness as one of those dreaded quotas. And a one-for-one swap—hire one black applicant for each black retiree—would, for many on the right, smack of the worst sort of tokenism. (One contributor to the Morrison volume says that it was the nomination of Thomas, which she attributes to affirmative action, that led her to her first doubts about the programs.)

Thomas, on this issue, was caught up in his own rhetoric. He also insisted that race played no role in his selection (although how he could know, he didn't say). He insisted that he had not received any special consideration because of his race. Indeed, until his nomination to the Supreme Court, he seemed to go out of his way to insist that he had not been a beneficiary of the civil rights movement.

Throughout the hearings, and even before them, Thomas was billed as the poor kid from Pin Point, Georgia, who had overcome racism, poverty and the near-disintegration of his family, and pulled himself up, as they say, by his own bootstraps. Although many mocked this story—some of the contributors to the Morrison volume, to their discredit, continue to mock it—it is, in truth, a genuine inspiration, and Thomas deserves credit for overcoming the obstacles that he faced. Unfortunately his supporters then began to mock the story themselves, by using it, in effect, as the answer to every difficult question. If one doubted Thomas's commitment to the civil rights laws, to the downtrodden, to the oppressed, there was always the Pin Point, Georgia, story to save the day. His supporters would try, illogically, to use it to rebut Hill's charges of sexual harassment as well, even though she could tell her own story of overcoming rural poverty. But the facade had begun to wear thin even before Hill's testimony. In fact, the value of the Pin Point story should have been exploded by the eloquent testimony of Representative John Lewis, himself from a background of rural poverty in Georgia, who noted that he and Thomas had similar childhoods, but that his, Lewis's, childhood did not by itself qualify him for the Supreme Court of the United States.

As for Hill's testimony itself, the way that it ultimately bounced off Thomas provided perhaps the ultimate evidence of the role of affirmative action in his appointment. Lesser charges, no more strongly sourced, have derailed Supreme Court nominees who happened to be white—most recently Douglas Ginsburg, who was accused of smoking marijuana before taking the federal bench. Morrison notes in evident frustration that "an accusation of such weight as sexual misconduct would probably have disqualified a white candidate on its face." Indeed, in the wake of Hill's graphic and moving testimony, any number of journalists and "Washington insiders" pronounced the nomination dead in the water.

But they were wrong. For Thomas did precisely what he has spent a career criticizing other black people for doing: he played the race card. The hearings, he said, were a "high-tech lynching of an uppity black," an effort to get back at him for his conservatism. The lynching metaphor, of course, did not fit: the enemies he blamed were black liberals, and the accuser was a black woman. Many of the contributors to the Morrison volume, perhaps most of them, are understandably furious at Thomas for his appropriation of the term "lynching" to describe what he endured at the hearings. Indeed, as Nell Irvin Painter points out, the lynching claim enabled Thomas to "erase" Hill as, suddenly, his accuser became not a black woman but the committee itself—a mob of white men.

As it turned out, the lynching charge saved his nomination. It effectively silenced the committee's Democrats, who, like most white liberals, seemed unsure how to proceed in the face of accusations of racism. And it liberated the committee's Republicans, as conservatives could suddenly, with no apparent sense of irony, paint themselves as the guardians of the black community against racist abuse. Most importantly, the lynching charge resonated powerfully in the black community, a politically liberal but socially conservative place, and a place that is, with reason, deeply suspicious of white power. To the surprise of nearly everyone except, I suspect, Thomas himself, his standing in the polls (especially among black Americans) rose rather than fell in the wake of Hill's reluctant testimony and Thomas's angry and accusatory denials. This was solidarity at its worst. The outpouring of support for Thomas, especially in the inner cities, might be taken by some as a signal that whatever a black man might do to a black woman, it is wrong for that black woman to object if that will impede the man's rise.

One thing that the hearings and their aftermath did prove—if there was any doubt—was that we are, as a nation, a long way from developing a healthy attitude toward women as other than sexual beings. Of our attitude toward black women, this is particularly true; as Kimberle Crenshaw points out in the Morrison volume, black women have long been stereotyped as "sexually voracious" and "sexually indiscriminate." Thus it is not surprising that much of the activity around and after the hearings involved the molding of Hill to fit the image. Thomas's supporters, we are told by Phelps, spent days researching the rare and dubious mental illness known as erotomania—not, it seems, because they believed Hill suffered from it (they knew nothing about it), but in the hope that enough symptoms might fit that others could be convinced.

This desperate but widespread search for a suitable category represents the utter sexualization of women: no non-sexual motives, such as mere truth-telling, are permitted. It also represents a vision of women's sexuality as dysfunctional, perhaps even evil, but certainly as a force that leads women astray. In none of this does one see, as partner in this sexual imagery, *man*—except, of course, as the object of woman's sexuality. Put another way, women's sexuality in this vision is about men: women are driven by fantasies about men, anger over rejection by men and so forth. What is missing from the image is the rather different role that is played by men—not as the object of this sexuality but as the creator of it. For this entire depressing line of sexual stereotypes, from the innocent girl-next-door to the seductive Lolita to the pitiable erotomaniac, is a construction by men of the sexual being of women.

In the workplace—which is where, lest we forget, the alleged harassment occurred—this construction has three important functions, which the imagery and the desperate search for motive conceal. First, it separates men from women; it clothes the male worker with a seriousness of purpose that sexualized women lack. Second, it justifies the harassment of women; since women are essentially sexual beings, men can say they are simply having fun and, besides, no real woman would mind. Third, it conceals much harm that men do to women; if women who claim to be harassed are immature, vengeful fantasists, men become their victims rather than their oppressors.

Naturally, and sensibly, one can object that rules against sexual harassment, in some of their proposed forms, would do much to make the workplace a grim and humorless place. But every new area of the law, in its early days, has oscillated between going too far and not going far

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enough before settling into a happy mean. Were we to take the view that we cannot regulate anything until we know precisely the right level of regulation, we would never have developed, for example, a law of contracts. Besides, the image of sexual harassment law as being mostly about off-color jokes or compliments on dress is a lampoon; significantly, Thomas was charged with nothing so petty.

Beginning his service under a cloud need not ruin Thomas's career. After all, Hugo Black joined the Court under a far more significant cloud—the revelation that he had been a member of the Ku Klux Klan—and yet has gone down in history as one of the great protectors of civil liberties. So, although Thomas's early decisions are not encouraging, he has a very long future in which to make his mark.

Some commentators suggest that the most important legacy of the hearings is our deepened understanding and appreciation of sexual harassment. And it is certainly true that some conservatives who seemed previously unable to pronounce the word—including members of the Senate who have taken the position in the past that sexual harassment of Senate workers should not be illegal—now fall all over themselves to condemn it. But the deeper lesson we have learned is about official Washington's attitude toward the Court itself. We have learned enough to question seriously the central position we have accorded the Court as an institution in both our public policy debates and our political iconography.

Anthony Lewis is credited with developing the metaphor of the Court as our version of Olympus, shrouded in clouds of mystery and majesty, publicly glimpsed only on those rare occasions when, with little warning, the justices cast their constitutional thunderbolts to consternate us mere mortals below. Not a bad metaphor, perhaps, for the early '60s, when Lewis coined it. But the Court, and the rest of us, have changed much in three decades. In the early '90s the only plausible metaphor is an elective legislature where, for historical reasons that are now irrelevant, we grant our representatives life tenure. Looking at the Court, one wonders when we will hear from the many conservatives who, with respect to other policy-making bodies, favor term limits.

STEPHEN L. CARTER, William Nelson Cromwell Professor of Law at Yale University, is the author of *Reflections of an Affirmative Action Baby* (Basic Books) and *The Culture of Disbelief*, to be published in the fall by Basic Books.

The Gentlemen's Club

BY IRVING HOWE

Anthony Trollope by Victoria Glendinning

(Knopf, 551 pp., $30)

As literary modernism has gradually slipped into history, there has followed a reaction, probably inevitable, in literary taste. If you found Joyce too difficult, Proust too glum, Kafka too impenetrable, and Brecht too cynical, you could ease back to the novels of Anthony Trollope, all forty-seven of them, and enjoy some harmless hours. A "good read," his admirers would say, meaning that Trollope imposed few burdens on the mind and not much anxiety on the heart. To read *The Warden* or *Barchester Towers* is to gain a certain lax comfort.

Victoria Glendinning's biography of Trollope is less overstuffed than most recent literary biographies, yet it is still too long, padded with trivia about Trollope's relatives, friends and contemporaries. But about his novels, which one might suppose to be the main accomplishment of his life, Glendinning has little to say—a skimpy plot summary, a frail comment, and on to the next tidbit about a rather dull life.

The most interesting part of that life was Trollope's troubled childhood, and the best part of Glendinning's book deals with those years. Like many other nineteenth-century writers, Trollope came from a family of "reduced circumstances," as it used to be called. His father, suffering from "neurotic instability and poor health," kept declaring himself "a gentleman," even while failing to support his family. Trollope's busy mother turned to writing books, one of which was a once-famous report on her trip to America, and this kept the family from utter destitution.

Young Anthony—clumsy, bulky, sullen—suffered intensely as a schoolboy. "My boyhood," he would recall, was "as unhappy as that of a young gentleman could well be, my misfortunes arising from a mixture of poverty and gentle standing on the part of my father." At Harrow he was a "charity boy" given "a hard time," writes Glendinning, "by the fee-paying boarders, sons of peers and gentlemen." Later in life Trollope would write: "How well I remember all the agonies; how I considered whether I could always be alone; whether I could find my way to the top of the college tower, and from thence put an end to everything."

This obsession with being a gentleman—an obsession from which most Americans are happily free—led in Trollope's adult life to the adoption of a mask of bluff heartiness. The mask soon grew into his skin; the pose became the person. This must have played a part in setting the social tone of his novels, where the distance between gentlemen and others is repeatedly estimated. Trollope was clearly a man with deep insecurities such as are frequent among talented sons of middle-class families trembling before poverty, and one consequence was his determination to carve out a good place for himself in the English caste system.

These early years are described by Glendinning with appropriate sympathy. "For a man to lose caste, and not to be a gentleman if his father had been a gentleman," she remarks, "seemed an exile of an almost metaphysical order." When Glendinning reaches Trollope's adult years, however, her book drops into diffuseness and chatter, perhaps because she senses that Trollope's life, simply as a life, did not amount to much.

At the age of 19, in 1834, Trollope became a clerk in the English Post Office, and for the next forty-three years, seventeen of them in Ireland, he served efficiently. Each morning he would rise very early, write a fixed number of words and then go off to work. His production as a writer was astonishing, even alarming, and probably enabled by a no-nonsense approach to literature, which was similar to the advice that a character in his novel *The Prime Minister* gives to a politician: "Think about your business as a shoemaker thinks of his."

Trollope won a sizable public in England with his stories about the gentry and the upper middle class of the west country (the Barsetshire series) and, a bit later, the more cosmopolitan world of London. A conservative Liberal in politics—which by very rough analogy would be a little like being on the right

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wing of the Democratic Party in America—Trollope became a sort of informal laureate of Whig England, seldom moving past solid bourgeois styles in his life and values in his fiction. Glendinning suggests that in his later years he felt some yearnings for attractive young women, but if so, these yearnings did not seriously disrupt his marriage or slow down his writing. Neither in life nor in art did he fundamentally challenge English conventions, and that may be one reason he was admired by the English reading public. At a time when serious thinkers and writers were anxious about the condition of England, Trollope gave his readers a sense of reassurance.

Glendinning provides more details than anyone is likely to want about Trollope's dealings with publishers, his failed effort to enter Parliament, his friendships with Thackeray and George Eliot. That a great figure like Eliot found Trollope interesting, or at least tolerable, is a point in his favor, suggesting that behind his gruff exterior there were amiable qualities. Other literary people were less generous. Carlyle wrote that Trollope was "irredeemably imbedded in commonplace, and grown fat upon it," while Henry James found him "the dullest Briton of them all."

One remark of Glendinning's, that Trollope "believed passionately in the basic soundness of British institutions," may serve as a key to his work. Trollope really could not imagine any England but the England of squires, comfortable gentlemen and twinkling clerics—well, there are some villains too, including sneaky foreigners, but these do not weaken his confidence in "British institutions." A fog of complacence hangs over much of his work. When he does venture a social criticism or an ironic quip, these have a way, by some mysterious alchemy, of melting into a puddle of smugness. But perhaps there is no mystery after all. Trollope's criticisms and ironies rest upon no firm grounding of belief; they are the occasional perceptions of a man determined to be at home in the world. Of the harsh assaults and despairs that darken the work of so many nineteenth-century English writers—the late Dickens, George Eliot, Meredith, Hardy, Gissing—you will find little in Trollope, except in *The Way We Live Now*, which may be his best novel.

Trollope's prose style is usually approximate, his narrative pace is sluggish and his abundant subplots soon become taxing. ("To be involved in one of his love stories," remarks Henry James, "is very like sinking into a gentle slumber.") One friendly critic has written that in Trollope "there is no suggestion ... of any conflict between 'the individual' and 'society.'" Meant as praise, this sentence strikes me as damning. Can anyone name a serious writer of the past 150 years who does not grapple, in some way, with the problem of the individual and society?

ANTHONY TROLLOPE BY DAVID SCHORR FOR THE NEW REPUBLIC

Still, there is another Trollope, hard to discern among his mountain of books. In the Palliser or political novels—especially in three of the six, *Phineas Finn, Phineas Redux* and *The Prime Minister*—there emerges a writer who cannot be wholly defined by the values of "gentle standing," even if they figure now and again. These three novels offer a view of English parliamentary life so expert in knowledge and keen in perception that they stand alone, unmatched, in English literature.

Trollope writes about the milieu and the practices of English parliamentary life as something worth taking seriously in its own right. He treats political life as an autonomous realm, not to be reduced to a "reflection" of class conflict or an arena for shabby aggrandizement. "The thing," he says about Parliament, "is a study in itself." He recognizes that in addition to the numerous mediocrities, opportunists and scoundrels, there can be found in politics—the politics of what were the two major English parties of his day—thoughtful men for whom the claim to public service is not mere brag. The two most notable in his novels are the mildly radical Mr. Monk, the moral center of *Phineas Finn*, and the austere Plantagenet Palliser, an aristocrat devoted to public service. Admirable as these two figures are, they still form part of the gentleman's club, that elite whose rule Trollope takes to be "natural."

The lust for power that is inseparable from politics eats away at almost all of Trollope's political figures. It is simply the way things are and evidently have to be. A partial exception is Mr. Monk, who finds satisfaction in "always being on my legs [speaking in the House of Commons] as long as I felt that I was true to those who sent me there." Even the selfless Palliser yields to the "gradual love of power created by the exercise of power," though after a few years as prime minister he realizes that "the play has been played" and it is time to make an exit.

At the edge of this milieu Trollope has placed, with a very warm sympathy, a number of women who display strong appetites and aptitudes for politics but, hemmed in by traditional expectations, must suffer the thwarting of their ambitions. Lady Laura Standish, Madame Max Goesler, Lady Glencora Palliser all have to accept the frustration of pretending to be docile while working behind the scenes. They love the skirmishing of political life and they spur their men to

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polemical sharpness; at a later historical moment they would be M.P.s or Cabinet members. In his opinions about "the women question" Trollope was a blunt philistine, but in his imaginative writings he transcended his opinions.

Equally keen is Trollope's depiction of the pleasures of being in the opposition, which sharpens wits and prods leaders into some touch with reality. Opposition, says the shrewd Mr. Monk, "is freedom against slavery,... movement against stagnation! The very inaccuracy which is permitted to opposition is itself a charm." A great debate, finely dramatized, occurs in *Phineas Redux* when the Conservative leader, Mr. Daubeny, an "audacious conjurer" modeled after Disraeli, proposes the disestablishment of the Church of England, thereby confusing his followers and stealing a major issue from the liberals:

> And then the fight began. The thunderbolts of opposition were unloosed, and the fires of political rancor blazed high. Mr. Gresham [the Liberal leader resembling Gladstone] rose to his legs.... He had expressed his unbounded anger at the duplicity, greed for power and lack of patriotism displayed by his opponent: but he had acknowledged that the blow [from Mr. Daubeny] had come so quick and unexpectedly that he thought it better to leave the matter to the House without instruction from himself.

Mr. Daubeny's cleverness causes the small-minded Liberal whip, Mr. Ratler, to exclaim, "By G___! he's going to take the bread out of our mouths ...," but the shrewder Mr. Gresham declares, "You know, and I know, that the thing [disestablishment] has to be done.... We know that the present union [between church and state] cannot remain.... Why should [Mr. Daubeny] not do it as well as another?" In American speech, that's known as rolling with the punch.

Such debates register high political excitements, but there are also, as Trollope takes pains to show, the excitements of sleazy maneuvers, a specialty of the party whips for whom politics is merely a business. Still, even if so degraded, the politics that Trollope describes allows for a measure of conciliation with opponents. They must be defeated, but not destroyed. Mr. Daubeny and Mr. Gresham are fierce debaters, able to hold the floor for hours as they denounce one another, yet they also display respect, even affection, for their opponents. For one thing, the parliamentary system by its very nature tends to soften political differences; and they are, after all, English gentlemen who remember to behave like gentlemen. So strong is the lure of this political life that a figure like Phineas Finn, who must leave the House for a time because he breaks with his party over Irish Tenant Rights, finds it hard to forgo politics once he has had a taste of it.

About such matters Trollope writes with a frequent, highly stressed irony, though it is an irony that tends to dissipate any fundamental criticism of English society. His is not the irony of the radical who rejects in principle the existing order, or the irony of the moralist who sees all politics as disreputable. Trollope's is an insider's irony; he sees through his political figures while accepting their foibles, even their falsities. He regards them with a mixture of asperity and affection, as if to make clear his stance of worldly wisdom. He is their friend.

But Trollope also decides to observe parliamentary life from the viewpoint of a novice who is also a semi-outsider. Phineas Finn, who dominates the two novels bearing his name, is a clever, attractive, somewhat slippery Irishman, a Liberal by affiliation but inclined to moments of independence. As an Irishman, he is close to, but not in, "the club." Finn is also a romantic figure, prone to falling in love overnight and thereby useful for interweaving public and private strands of narrative.

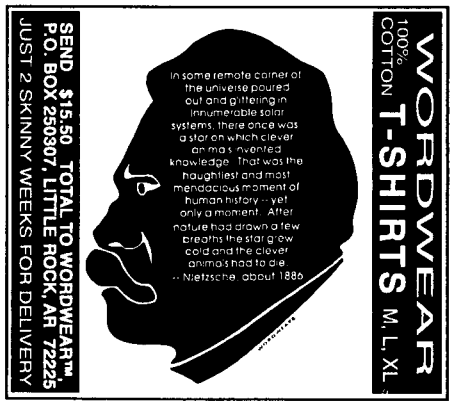
Mr. Monk tells Finn, "If you choose to make Parliament a profession—as you have done—you can have no right even to think of [political] independence." With time, however, the Irishman begins to harbor some doubts about the whole party system: "He began to dislike the House, and to think it a bore to sit on the Treasury bench—he who a few years since had regarded Parliament as the British heaven on earth." By the end of *Phineas Redux* there is a clear note of disillusionment:

> Even twelve months ago ... I believed that on our side the men were patriotic angels, and that Daubeny and his friends were all fiends or idiots—mostly idiots, but with a strong dash of fiendism.... It has all come now to one common level of poor human interests. Men are flying at each other's throats ... making false accusations and defenses, equally false.

More complex than the pleasant Finn is Plantagenet Palliser, later the Duke of Omnium, a man not really cut out for political life, neither a brilliant speaker nor an artful maneuverer. As prime minister he is

> full of scruples, unable to bend when aught was to be got by bending, unwilling to domineer when men might be brought to subjection only by domination.... To win support by smiles when his heart was bitter within him would never be within [his] power.

At times to the despair of his pushy wife, Lady Glencora, Palliser steadily refuses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-- Nietzsche, about 1886
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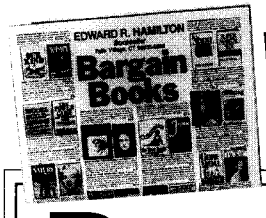

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the display of power and pomp in which she would like him to indulge. Trollope handles Palliser with a certain solicitude, as a model of integrity, but also with some half-expressed skepticism, as if he cannot quite believe in the character he has himself created.

Still another fine portrait is that of the Liberal parliamentarian Barrington Earle, intelligent, honest but blindly committed to the system of party loyalty. I say blindly committed, but that may be a bit unfair, since Earle does advance an argument of sorts: that parliamentary democracy would collapse without party discipline. He is utterly disdainful of the few young M.P.s who have not yet been broken by the party whips: "Convictions! There's nothing on earth I'm so much afraid of in a young member of Parliament as convictions."

At one point Finn remarks angrily that Earle "was born on that side of the question [the Liberal side], and has been receiving Whig wages all his life." But toward the end of *Phineas Finn* there is a more reflective passage about the problem of political independence:

> Could a man be honest in Parliament, and yet abandon all idea of independence? When [Finn] put such questions to Mr. Monk, he did not get a direct answer.... The teaching he received was always to this effect: "You have taken up the trade now, and seem to be fit for success.... You had better give up thinking about its special honesty."

In opinion and tone, all of this seems very English. In Trollope's England there is barely a hint of the changes that would soon occur, with the breakdown of the Liberals and the rise of Labour. Still, as a witness to his historical moment Trollope is well served by his belief in "British institutions": it enables him to see the political milieu with some exactitude, an area of life to be studied patiently and affectionately.

There are limits to such an approach. Trollope has neither eye nor ear for any politics that might spill across the walls of Parliament. When he does notice the early English radicals, he slips into nastiness (they drop their aitches). He cannot imagine that the unwashed should want to share in the ruling of the country. When the radical Mr. Turnbull exhorts a crowd in the street, that strikes Trollope as demagogic, not English. The limits of Trollope's vision may be measured by his attachment to the idea of the gentleman, an idea that can at times transcend class loyalties but in his novels is largely the expression of class prejudice. And that is why, in his rooted English way, he cannot anticipate, like the displaced Dostoyevsky and Conrad, the agonies of twentieth-century politics, in which gentlemen play no special part. Lacking the imagination of catastrophe, Trollope saw many things well, but the gift of historical foresight was not his.

IRVING HOWE is the author most recently of *Selected Writings, 1950-1990* (Harcourt Brace Jovanovich).

Traditions and Talents

BY STEPHEN OWEN

Anthology of Modern Chinese Poetry edited and translated by Michelle Yeh

(Yale University Press, 336 pp., $33)

on the assembly line of time
night is nestled with night
we retreat from the assembly line in the factory
and file home
above our heads
an assembly line of stars stretches across the firmament
beside us
young trees stand in a row
the stars must be tired
millennia have passed
their itinerary has never changed
the young trees are sick
smoke and monotony
take
their lines and colors
I can feel them
in the rhythm we have in common

what is strange, though
is that I cannot feel my own existence
the way I feel the trees and the stars
perhaps out of habit
perhaps out of sadness
I no longer have the strength to care
about the fixed position I am in
—Shu Ting, "Assembly Line"

Books, like people, have their familiar types and shapes and proportions. Anthologies of poetry by many poets are no exception, and among these there is one particularly familiar type. No matter how large or small the country, no matter whether the span of writing covers millennia or decades, the number of poets, and the number of poems allotted to each poet, expand or shrink to fill a book format of a certain length. In this format the poets are lined up in strict order of their seniority, each tagged with his or her poetic allegiances, travels and tragedies. It might be an assembly line, or a reception line that has to move ahead at a certain pace: one after another, each poet comes forward to be introduced; the poet says a few words and makes way for those behind. After a while the receiver nods politely as the names and the fine words blur. Then someone says something striking—often something very simple, like Shu Ting's poem above—and exits. She might have meant a protest against the Maoist factory, or a statement about the human condition, or something about poetry and being able to speak for oneself with too many other voices around. We decide to talk to her after the formal reception is over, when the introductions have all been made and the welcoming speech delivered.

With its comfortably familiar literary historical packaging, such anthologies come with the authoritative air of solidity ("complete coverage") and the faint smell of the university classroom. However much the prefaces may appeal to the buzzwords of progressive literary studies, and however much the poems themselves may tell of the turbulence of the human heart, all is safely contained in the traditional anthology form: the conservative critics of the humanities can sleep soundly in their beds tonight, the fall of civilization is not close at hand.

The virtue of this form of anthology is that it resembles literary history itself, in which there are also too many poets, each writing hundreds and thousands of poems. In this clamor of many wishing to be heard, we are always trying to read just one poem at a time. Then, every once in a while in the general babble, a single poem stands out. Michelle Yeh's *Anthology of Modern Chinese Poetry* has the virtues and the vices of the genre at its best: it is that poetry course you took in college of which you have forgotten 95 percent, but the 5 percent that you remember stayed with you and made the enterprise worthwhile. And when you think about it, you realize that the 5 percent remembered was reached only

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through the forgotten 95 percent. We read much in order to remember only a little, to hear those voices that stand out in the babble.

This book is the best presentation of the range and the history of modern Chinese poetry to date. In addition to containing some poems to remember, it tells a story—not an entirely unique story, but a story that loses none of its power in the repetition. The story is common to many non-Western literatures that came into contact with Western poetry in the second half of the nineteenth century and in the early twentieth century. First there were travelers, students and translators looking to the United States and Europe; there were the first fumbling attempts at a new poetry, revolutionary in the context of a traditional literature, but now looking like a painfully awkward mix of romanticism and modernism. Then there appeared groups of poets with fancy names, manifestos and varying allegiances to Western poetry.

Over the course of this waning century there came growing mastery, keeping roughly in parallel with poetic and intellectual movements in the West. Eventually there was a reconsideration of the poets' native tradition and an attempt to draw materials from it; but by this point the poets had become separated from their past by a breach that could never be crossed. Thus the Turkish Marxist poet Nazim Hikmet sat in Chankiri Prison reading the mystic quatrains of Ghazali. At last authentic voices gradually emerged out of the merely "good" poetry that is the stuff of such literary historical upheaval and of every chronological anthology.

The process has something hopeful about it. Cultures *can* eventually recover from the blows and the scars of Western cultural domination. Few Western readers grasp the magnitude of the impact of Western humanities on the old and highly literate cultures of Asia in the late nineteenth and early twentieth centuries. Most traditional forms of the arts, of writing history, of essays, of thought, of the dissemination of the news were swept away. In many cultures people without specialized education now need translations into the written vernacular to understand much of what was written in their own country in the late nineteenth century. Folk cultures proved more resilient; but literate traditions, which were closely tied to cultural identity, were largely destroyed, or they were transformed into antiquarian icons of the culture's historical depth and continuity.

This influx of Western cultural forms was not imposed from without; it was welcomed by local intellectuals, often with the explicit purpose of modernizing the country to resist the political and military imperialism of the West. In accepting these forms of writing and representation, however, the cultural elites of these countries found themselves, for the first time in their histories, essentially provincial. Suddenly they were tied to a center that was elsewhere. When we read in Yeh's anthology of "postmodernism" in Taiwan and something similar in the People's Republic of China, we realize that modern Chinese poetry is still coupled to that same engine, still following intellectual and literary movements that arise in the United States and Western Europe, rather than leading or going its own way. Of course, modern Chinese poetry is not alone in this. "World poetry" or "world culture" is not yet a cultural democracy in which every place has an equal opportunity to speak, to command attention, to persuade. Perhaps someday avant-garde intellectual and literary movements may arise in China or elsewhere and spread to France, Germany, England and the United States. If that happens once, I will write on this theme no longer.

In her introduction Yeh speaks eloquently of the "marginality" of modern Chinese poetry. She is referring not to the danger of provinciality in the context of a literary world centered in the United States and Europe, but to the way in which modern Chinese poetry has been removed from the place of prestige that traditional poetry held in imperial China. Although we must observe that the realm of literature has been getting uncomfortably crowded around the edges lately, the fashionable claim that marginality creates new possibilities does remain valid.

One peculiar marginality that Yeh does not mention, but which is nevertheless striking in Chinese poetry over the past few decades, is the number of poets working neither in the PRC nor Taiwan, but in New Zealand, various European countries, Canada and above all in the United States, especially in American universities. If this phenomenon were limited to the diaspora of Chinese intellectuals after Tiananmen, we could comfortably call it a poetry of exile. But a remarkable number of poets from Taiwan also live abroad or have spent extensive time abroad as students. Although the communities of Chinese intellectuals in this country remain mostly Chinese-speaking, it is a striking example of "cultural export," with Chinese poets abroad sending their works back home for consumption.

Much has been written on the "literature of exile" (combining voluntary residence abroad with the involuntary), and during the course of this century various national literatures have seen their most vital movements occurring in literary communities abroad. But given the death of traditions, the repression of some national languages and the mass migration of writers, we must wonder what a "national literature" has come to mean, with writers cut off from their past, from continuing experience in the land and the culture to which their literature is bound, and even from daily immersion in their language. This question is not raised as a mask for nostalgia, wishing that such writers could go home and work in the hypothetical purity of a cultural space protected from all outside contamination. We should recognize, rather, that poetry, if it survives, is on its way to somewhere unforeseen.

The poets in Yeh's anthology tell the first stage of this strange journey, beginning in the 1920s and lasting to the present. The journey began with a literary revolution, a revolution that was far more radical in poetry than in fiction. Old forms and themes were discarded, and the young poets of the 1920s found a heady liberty of expression in a mix of modernism and romanticism. As premodern Chinese poetry had its impact on the West through the translations of Ezra Pound and Arthur Waley, English Romanticism and French Symbolism were making their way into modern Chinese poetry. "Autumn," by He Qifang (1912-77), is a delightful hybrid, closing with a conjunction of a Western shepherdess and a Chinese herdboy, playing his flute on an ox's back:

> Where did the bamboo flute on the ox's back go,
> Its holes overflowing with summery scent and warmth?
> Autumn is dreaming in the shepherdess's eyes.

To this the reader of Keats's "To Autumn" responds: "Where are the songs of Spring? Ay, where are they?" But even Keats would have enjoyed the transposition of his bees ("For Summer has o'er-brimmed their clammy cells") into the holes of a flute, overflowing with music.

The poetry in the first half of this volume often slips into sentimentality, which belongs to that class of phenomena that is hard to define adequately, but "we know it when we see it." Sentimentality bears the same relation to feeling that a travel poster bears to the place it advertises: it is all palm trees and sunsets.

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Sentimentality mistakes a claim of feeling for its adequate representation. The sentimentality in early modern Chinese poetry to some degree continued a problem with which Chinese classical poetry struggled for a millennium. At the same time that the early poets in this volume were beginning their poetic revolution, one of the last of the great classical lyricists, Wang Guowei, was interrogating himself about his own love poetry:

The experiences I tell in new verses—
did they really ever occur?
The lover's honeyed phrases make me
laugh:
"Heart-broken in lamplight"—
now who did I write that for?

In some ways the modern Chinese poets inherited the task that the classical poet surrenders here in irony: the need to speak privately and with intensity, but without comic sentimentality.

Modern Chinese poetry matured in the second half of this century. It matured by developing its own history and a broader knowledge of poetry outside China. If the poet seeks to write something beautiful, something "poetic," it has to be earned. Yang Mu, the pen name of Wang Ching-hsien, is perhaps the wisest and most gifted of the poets now in their middle age. In his work, informed equally by Chinese and Western poetic traditions, modern Chinese poetry comes into its own, with work of intricacy and control that still loses nothing in depth or intensity. His "Lama Reincarnated," translated in Yeh's volume, could be read as an allegory of the quest for the "poetic," hard won and not advertised. The poem begins, "A Tibetan lama passed away in San Francisco," and sends pilgrims searching methodically over the globe, until they end up in Lorca's Andalusia:

I am in Granada.
Bring me those insignia from a previous
life:
My crown of gold, staff, rosary, and robes
and cloaks.
Bring them to Granada, Andalusia.

In the lines that follow we have a modern Chinese poet invoking Lorca's Andalusia in simple terms with no sense of profound cultural disjunction—just as an American poet might. If a Tibetan lama can do it, become in his next life "a golden flower blooming in Andalusia," so can a modern Chinese poet.

In the same way Yang Mu can write of the Garden of Eden in "Three Etudes: The Snake":

... "Beauty comes from time immemorial;
It is a mystical experience, fear inspiring,
With a touch of evil—but that is a
misunderstanding."
Actually, except for shyness he has no flaws;
He is not even unsociable,

Though inclined to solitary living.

This is the unmistakable voice of the contemporary poet, taking tentative verbal paces toward ancient questions that won't go away, then stepping back, aware of where he stands and the seductions of grand poetic authority.

I have noted points of Yang Mu's Western learning, but his work is distinctive in moving easily between the Chinese and Western traditions while exoticizing neither. He is a poet who works with the materials that he has, and those materials include a sense of poetic and cultural history that transcends the cultural division of the "West" and China. He has become bicultural. There are a number of poets with great talent in the anthology, but talent by itself is not enough: if Yang Mu offers the largest hope for the future, it is because he draws two disparate histories together.

Since Taiwan stands on a cultural margin, it is no surprise that its recent poets are often the most readable. There are still sentimentalists among them, but there are also true cosmopolitans, such as the sharp and funny postmodern

Last Breath

When I was twelve, I used to practice dying
in Ava Grodner's bedroom after school.
We'd hyperventilate twenty times, then bend over
holding our breaths until we fainted.
I'd only be out for a second, or two,
then come to, back in northern New Jersey,
staring at Ava's fringed chenille bedspread,
her black and white saddle shoes under the bed.
Once, I actually knocked myself out
after I fainted, hitting my head on the floor,
so it *was* dangerous, pretending to die.
Real death afflicted other people, thank God.
Larry Cohen's mother impaled
by a flying beach umbrella in Asbury Park
the windy summer before his bar mitzvah.
The will of God, the Rabbi said.
Saturday mornings, after Larry and his father
davenned Kaddish with the elders
in Temple, the Cohens' curly red hair
sore thumbs in that sea of bobbing gray,
I'd catch a bus to Manhattan
for my lessons at the Metropolitan Opera House
School of Ballet. I'd sit behind the driver,
lean my head against the humming glass
flashing with the street that I grew up on—
Noveck's Drugs, Wolf's Deli, Embassy Theater,
kids already lining up for the Saturday matinee.
In my high upholstered seat, I felt superior,
immune, as the bus lumbered through Guttenberg,
Weehawken, Union City, the grimy bedroom
communities perched on the Hudson Palisades.
The Manhattan skyline glittered across the river.
The traffic funneled into the three mouths
of the Lincoln Tunnel; busses filed into the fumes.
I'd gulp down my last breath of good air, and panic.
The tunnel might spring a leak, the Russians
might bomb us and I'd be stuck down here
forever, my past behind me, my future
an eye of light dilating on the other side.
Passengers dozed over their *New York Posts.*
It would be just my luck to be dead,
while on the deck of a Circle Line boat
cruising the choppy Hudson, tourists
were dancing the *cha cha* right over my head.

JANE SHORE

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genius Xia Yu, whose beloved announces: "I firmly believe in gravity." Her poetry has that zany intensity that redeems some of the most recent poets from pretense.

The talent of poets such as Yang Mu and Xia Yu is guided by their cultural sophistication. Bei Dao, perhaps the foremost poet from the PRC, is, by comparison, an innocent. His relative innocence makes his poetic achievement all the more remarkable and original. Perhaps because Bei Dao has been extensively translated elsewhere, Yeh has omitted him in this anthology (though she refers to him often in the preface).

There are readers who may come to this anthology out of an interest more in modern China than in modern poetry. One strain of traditional Chinese poetics conceives of poetry as a unique adjunct of history, providing readers with an intuition of historical experience impossible in other forms of writing. For readers who look for this in poetry, Yeh's volume is a rich testimony to the experience of Chinese intellectuals in the twentieth century.

The staged vehemence of some of the "Misty" poets (with the strong association of "obscure"), that is, the generation that broke free of the enforced silences of the Cultural Revolution, is engaging as a historical phenomenon, a second poetic revolution much angrier than the poetic revolution earlier in the century. The unnatural restriction of voices during the Cultural Revolution led to an equal intensity of reaction. There is poetic strength here, but it is the strength that follows from a particular historical wound. Poets like Aimé Césaire were able to translate such historical wounds into great poetry. It remains to be seen if the same will be true of the "Misty" poets. I cite as an example "An Ancient Tale," the first part of Jiang He's "An Unfinished Poem":

I am nailed to the prison wall
Gathering black time—flocks of crows
From every corner of the world, every night in history
Peck at heroes one after another on this wall
Their pain turns into rocks
Lonelier than the mountain
To open and to build
To mold the character of the people
Heroes are crucified
Eroded by the wind, beaten by the rain
Their blurred images on the wall
Their broken limbs and faces
Are flailed by the whip, pecked by the dark
The hands of my ancestors and brothers have worked hard
To pile themselves into the silent wall
Once again I am here
To resist and forestall slavery
To shake the mud off the wall with my fierce death
To make those who die in silence get up and shout

So long as there are new generations, there is hope for poetry. After the fury and the fustian of some of the "Misty" poets, we now have a younger group of poets, who have the odd distinction of being called "Post-Misty." (A brief selection of their works recently appeared in the magazine *Renditions*, a journal of Chinese literature in translation.) Now that the revolution against the revolution is over, they may prove to be the true revolutionary poets. In their work the poetry of the PRC attains something of the maturity of the best Taiwan poets.

Let us imagine that once upon a time it was relatively easy to be a poet. The forms were given, and the revolutions were straightforward. History seemed to have a sweet linearity back then, in a past that may be only our myth of the past. The English Romantics knew where they were going, and the *Edinburgh Review* knew just as clearly that poetry should not be going in that direction. In the good old days "progressive" and "conservative" actually meant something. In this cultural world that we awkwardly call postmodern, however, there is only a vast Babel of possibilities. There are no norms or even any clear linear succession that would allow a poet to be "progressive." The artificial repressions of totalitarian regimes temporarily preserved the nurturing power of opposition. But with the collapse or relaxation of those regimes, postmodern Babel is unleashed upon the world. The hint of nostalgia here is ironic, insincere: few would realistically wish it otherwise, would wish to return to a more restrictive age.

Still, it is a hard time in which to be a poet. Poets seek distinction, to write short works that stand out and command attention. Such a capacity to absorb the reader in the single, particular poem is not the essence of the art, it is the social condition of the art. A poem asks to be remembered and reread. When there were norms and even normative change, such moments of distinction came with relative ease. It is harder now, and the poet must ask the still unanswered question, how to "prove himself"—or herself.

The Taiwan poet Yang Ze poses the question and tries to answer it in the first stanza of "In the Wind":

Those who stood in the wind have become the wind.
In the wind at sunset
I am pondering how a poet proves himself.
How does he sing to the robust wind as he leans against it
Except through love,
Through his loved ones, his people,
His time? How does he hold himself in the wind
Like a quivering string, humming
And singing?

Yang Ze gives us the old romantic figure of the aeolian harp in a new key. The wind that plays the poet-harp and makes him sing is not the Romantic's "Nature" but the strong breeze of Hegelian History, with the poet as a voice of something particular and local: "his loved ones, his people, / His time . . . " But the poet can no longer take this for granted; it is formulated as a goal, a way in which he might "prove himself." It is a nostalgic hope. National literatures are becoming as permeable as national economies.

Shu Ting, the poet quoted at the beginning of this review, was a poet who stayed at home in the PRC; and speaking of the "assembly line," she was indeed speaking of her people and her time. She spoke for them well; and now that the introductions have been completed, we may come back to her. Although she does speak for her people and her time, there is nothing particularly Chinese in what she says. This is fungible poetry, convertible currency. We can refer her poem to the particular circumstances of China during the Cultural Revolution and the years that followed, but the poem is in no way circumscribed by its historical situation. The intensity of private experience is absorbed in historically collective experience and in something we can easily see as universal.

An intense awareness of the absorption of the individual into the general also turns out to be the subject of her poem; and although she claims to "no longer have the strength to care," it is clear that she cares very much, wishes to stand out of the assembly line or reception line or even the literary historical anthology, to prove herself and be heard in the singular.

It is an allegory of the contemporary poet's dilemma, drowned in a sea of disparate voices. Like the "assembly line of the stars" she invokes, these voices are a disorder of intricate patterns that, by sheer numbers, takes on the appearance of a regular order and line. She articulates that sense of loss of identity with simplicity and force. And for that a reviewer may exercise his power to single her out, to halt the assembly line and ask others to listen.

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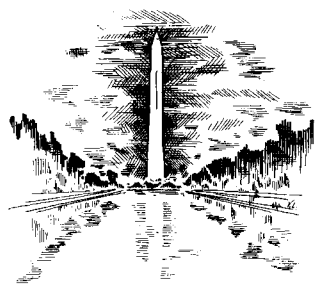
WASHINGTON DIARIST

America's team

I'VE ALWAYS LIKED TO VIEW SPECtator sports in terms of good and evil. When I was young, this was a simple matter. The team from my part of the country was good, and the opponent was evil. But over the years, my moral philosophy matured, and I came to see that regional affiliation is but one of several determinants of goodness. These days I subject athletes to a thorough test of character before deciding whether to root for them. In general, I give high marks for self-discipline and modesty (even if false), and look askance at whiners (a group to which, ironically, I belong) and showoffs. Thus, in tennis, I root for Ivan Lendl and Michael Chang and against John McEnroe and Jimmy Connors—although advancing age has turned McEnroe and Connors into hopeless underdogs, a status for which I, like most people, give points. In team sports, I emphasize, in addition to the above, selflessness. When the Chicago Bulls are playing, I hope that John Paxson and Bill Cartwright will do well and that divinely gifted egomaniac Michael Jordan will meet with unaccustomed humiliation. Whether the Bulls win doesn't matter.

THIS YEAR'S SUPER BOWL PRESENTed me with an anguishing dilemma. In my youth, the Dallas Cowboys held the moral high ground. I lived intermittently in Texas, and both of my parents were born and raised there. Case closed. But there was more to it than that. The Cowboys were then coached by Tom Landry, who exuded dignity, devotion to God and country, etc. Laconic, austere, impassive in victory and defeat, he gave the impression of being a real cowboy, a kind of middle-aged Marlboro man who didn't smoke. I wanted to be like him when I grew up. Then, several years ago, Landry got fired, planting the seeds of my dilemma. The present Cowboy coach is a youngish man with the improbable good-old-boy name of Jimmy Johnson (not to be confused with his millionaire college buddy Jerry Jones, who did the firing in unceremonious fashion shortly after buying the Cowboys). Now, I don't know much about Johnson, and I admit that no man should be judged entirely on the basis of his hair style. But, for the record: his hair is either assiduously blow-dried, heavily sprayed or the product of a bizarre genetic mutation. There are, in short, grounds for believing that this man is not a good old boy in the true sense of the term, but something closer to a drugstore cowboy (a "Rexall Ranger," as they say in Texas). Consistent with this thesis is Johnson's air of confidence and enthusiasm, which often verges on cockiness or self-congratulation. Granted, you can't fault the man's dedication. After getting the Cowboys job, he divorced his wife, supposedly so that he could devote all his time to football. But this sacrifice alone, surely, doesn't make up for all other failings.



JOHNSON IS LOOSELY associated, in my mind, with an annoying cultural phenomenon. During the late '60s and early '70s, the years of my greatest devotion to the Cowboys, the celebration of self had barely seeped into American sports. The triumphant post-touchdown spike was rare (players often handed the ball to the referee after scoring, believe it or not), and those embarrassing end-zone dances were just about unheard of. Similarly, defensive linemen didn't go into an onanistic frenzy after sacking a quarterback. Certainly, at any rate, these things weren't part of the Cowboys' repertoire. The great Bob Lilly, having ground a quarterback into the soil, would get up and walk quietly away, all the more fearsome for his professional reserve. In the long run, even Tom Landry couldn't stop the currents of cultural history, and Dallas gradually accumulated its share of ego cases, such as Tom "Hollywood" Henderson. Whether coincidentally or not, the Cowboys gradually became a bad team, which is one reason Landry got fired.

BY CURRENT STANDARDS, JIMMY Johnson's Cowboys probably aren't all that egregious in their self-celebration. In fact, the team has two superb players—tight end Jay Novacek and running back Emmit Smith—notable for their self-restraint after scoring. But when Johnson was at the University of Miami, he was one of the new breed of college coaches (like Barry Switzer, unlike Joe Paterno) who indulged their players, and his Hurricanes were known for their hotdogging. In fact, one of the Cowboys' most flagrant end-zone dancers, split end Michael Irvin, played for Johnson there. In any event, the young, brash Cowboys do enough showing off so that, viewed against the backdrop of Johnson's hair, they seem like a hard team to root for. Harder, certainly, than the long-suffering Buffalo Bills, who in years past had some of the Cowboys' cockiness but now, after losing two straight Super Bowls, were approaching their third with a nearly monastic lack of pretense.

WHAT TO DO? ROOTING AGAINST the Cowboys would have violated the memory of my father, but so would rooting for a coach who uses hair spray. I finally decided that I would hope the Cowboys won so long as they did so with dignity—so long, say, as Smith and Novacek scored more touchdowns than Michael Irvin. As it happened, Smith and Novacek scored one each and Irvin scored two. So it was with much-adulterated gusto that I savored the victory, and it was with some anxiety that I awaited the post-game locker-room interviews. Would the Cowboys prove incapable of mustering the generic humility that usually makes winners seem likable? Would they set a bad example for America's youth, dooming the nation to another decade of sluggish productivity growth? I was pleasantly surprised. Irvin not only gave due credit to the Bills, the other Cowboys and his coaches; he did so with apparent conviction. And when Jimmy Johnson stood up to address his players, he said the following: "Hey, understand this: As much as you relish being the best, as good as that feels, the best thing that you've got, and what you'll have the rest of your life, is the love that you've got for one another, because that's what got you here ... being a total team. And that feeling is something you'll never lose." I know, it's a little schmaltzy. And it was something of a made-for-T.V. moment; Johnson was holding a microphone with the NBC logo as he talked. (I'll definitely feel duped if he now signs a big endorsement contract with Hallmark greeting cards.) Also, his comments were a bit on the primitive side; a coach with a fully mature, universalistic morality would have asked his players to extend their love to the Buffalo Bills. Then again, that sort of coach probably wouldn't be in the winning locker room. (Anyway, at halftime Michael Jackson had pretty well covered the "We Are the World" theme.) All in all, as coaches' post-game speeches go, Johnson's was fairly thoughtful. It left me feeling that the new Dallas Cowboys aren't wholly unworthy of my moral support. Besides, everybody loves a winner.

ROBERT WRIGHT

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

The Debate on Grouping

One of the most controversial issues in U.S. education is homogeneous grouping—that is, separating youngsters into classes according to how well they achieve—vs. heterogeneous grouping—putting children achieving at all levels into the same class. There are people who say that homogeneous grouping, or tracking as it is sometimes called, is essential to providing every child with a good education. Others are convinced that tracking labels kids in lower tracks forever and makes them perform worse than they would in mixed classes. They condemn tracking as elitist and discriminatory. Generally, educators who write and speak about tracking denounce it. However, it is widely practiced, so many people must think it is beneficial for children—or perhaps don't know what else to do.

Instead of joining this argument, we need to realize that both sides are right and both are wrong. The question is not, "Should we track or reject tracking entirely?" It is, "How do we organize schools and classrooms, given the fact that kids learn differently and at different rates?"

People who say that heterogeneous grouping doesn't work point to the differences among children. They ask, "If you don't track, how can you keep the curriculum from being watered down? How can you teach an eighth-grade class when some of the kids are functioning at a third-grade level and others are at a sixth- or ninth- or eleventh-grade level? How do you maintain high standards without causing youngsters who are struggling to give up?"

These are real problems given our basic instructional method—whole-class instruction, which means presenting the lesson to the entire class—especially since teachers must cover a lot of ground. If the teacher pitches the lesson to "average" students, the kids who know the material or catch on quickly will get bored and tune out; the ones who are behind and can't follow will do the same. Whatever the teacher does, many students will get little out of the lesson.

The question is not, "Should we track or reject tracking?" It is, "How do we organize schools and classrooms, given the fact that kids learn differently and at different rates?"

But there are alternatives. One is presented by Harold Stevenson and James Stigler in *The Learning Gap* (New York: Simon & Schuster, Summit Books, 1992). They describe how teachers in Asian elementary schools make effective use of whole-class teaching with mixed classes. Their secret is depth instead of breadth. Math teachers focus on a single problem instead of many different ones. They get each student to explain the way he or she solved the problem and compare it with other students' methods. This allows youngsters to hear the reasoning behind successful and unsuccessful strategies for solving a problem. And it means that virtually everybody understands the solution—and various ways of getting to it—well enough to build on it.

A second alternative to tracking is to organize the class like a one-room school or a Boy Scout troop. Instead of listening to the teacher all the time, children work at their level, individually or in small groups, and with the help of the teacher or paraprofessionals or other youngsters.

These ways of organizing a heterogeneous class do not bore some kids and leave others behind. All students are engaged and working hard.

Just as heterogeneous grouping can work if it's done right, so can tracking. In other industrialized countries where they systematically track, all their students—top, bottom and middle—do better than ours. A decent system of tracking offers a tough, challenging curriculum in every track. In Germany, where kids start being tracked when they are in fifth grade, all get an education of value. Whether they are in a track that will lead to university, a technical school or an apprenticeship, German students know that the work they do will get them something they want. So they work hard.

In this country, when we track we almost always do it miserably. Poor parents and minorities, especially, perceive the lower tracks as dumping grounds for their children, and it's not hard to see why. Kids in these tracks often get little worthwhile work to do; they spend a lot of time filling in the blanks in workbooks or ditto sheets. And because we expect almost nothing of them, they learn very little.

When people argue about homogeneous and heterogeneous grouping they usually compare a bad example of homogeneous grouping with a good one of heterogeneous grouping—or vice versa. When we compare the best of both, we find that both have strengths. Until one system is shown to be vastly superior to the other, we should not mandate either homogeneous or heterogeneous grouping but work to develop effective models of both, taking particular care with tracking systems that they are not used to separate students racially. Then we should give teachers and families a high degree of choice about the system they prefer.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W. Washington, D.C. 20001. © 1992 by Albert Shanker.

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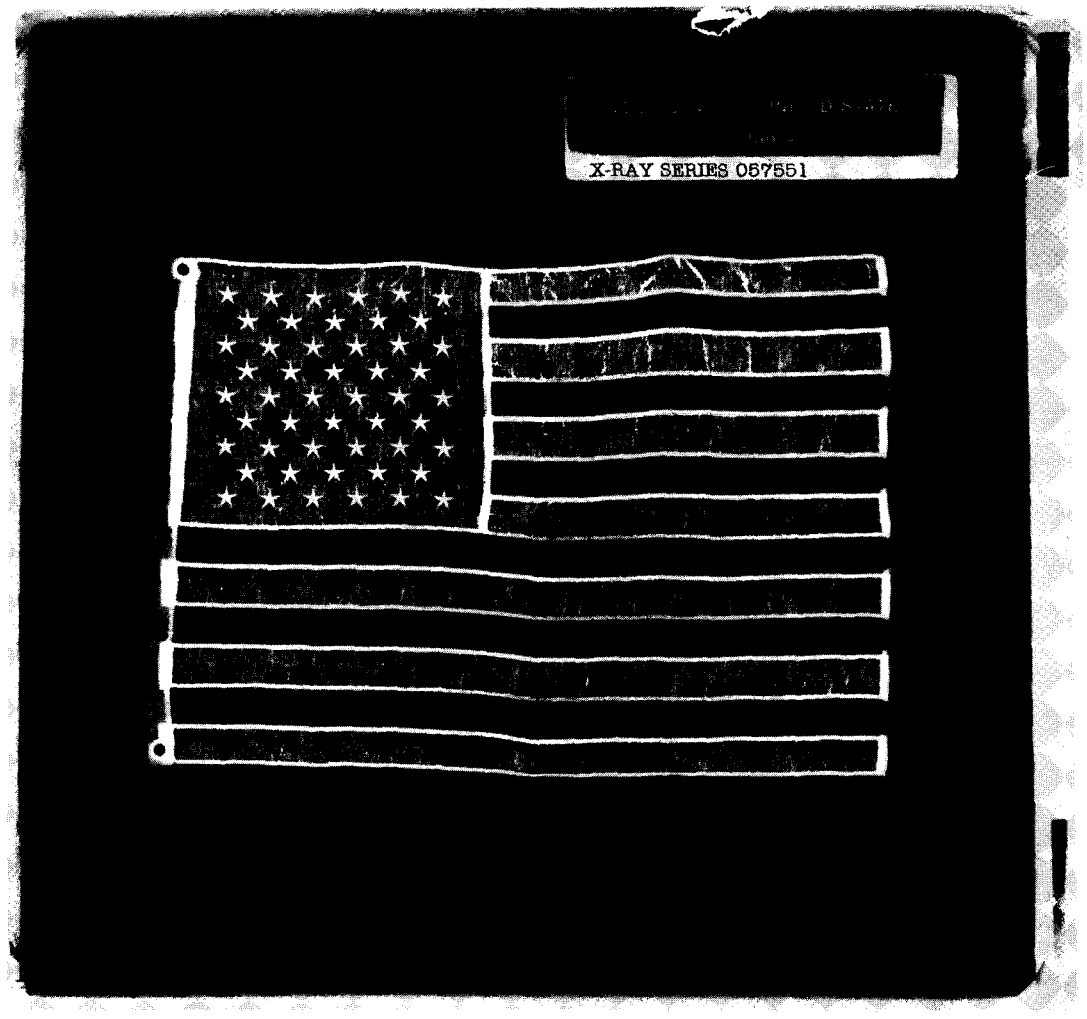

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